

## **CONFLICTS BETWEEN AUTHORIZATIONS AND RESTRICTIONS PROCEDURE**

The Bureau for Behavioral Health and Health Facilities Privacy Official (or his or her designee) will assure all the Bureau for Behavioral Health and Health Facilities workforce members are informed and trained regarding the procedures adopted by the Bureau for Behavioral Health and Health Facilities to resolve conflicts between or among specific authorizations and restrictions.

In the event of a conflict among authorizations, or between an authorization and a restriction, relating to the use or disclosure of protected health information, when there is reasonable doubt as to the patient's true desires, the Bureau for Behavioral Health and Health Facilities Privacy Official or Designee(s) will:

1. Attempt to obtain a new, signed document that clarifies the individual's preference for disclosure of the information.
2. If it is not possible to obtain a signed document, the Privacy Official or Designee(s) will discuss with the patient his or her preference for disclosure of information.
3. If the preference is communicated orally, the Privacy Official or Designee(s) will document the individual's preference (by making a notation in the medical record) and act in accordance with that preference.
4. The patient's preferences regarding the conflict between documents will be included in other records maintained by the Bureau for Behavioral Health and Health Facilities pertaining to that patient.
5. If it is not possible to determine the patient's preferences, the most recent authorization or restriction will govern.

**REFERENCE:** No regulatory requirement under HIPAA.

See also: AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH  
INFORMATION  
  
DISCLOSURE OF PROTECTED HEALTH INFORMATION TO PERSONAL  
REPRESENTATIVES  
  
PATIENT REQUESTS TO RESTRICT THE USE OR DISCLOSURE OF  
PROTECTED HEALTH INFORMATION

45 CFR § 164.506

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Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities