

10. Patient's Right to an Accounting of Disclosures of Protected Health Information (PHI)	
PURPOSE	This policy explains the process for providing patients an accounting of their PHI disclosures.
POLICY	<p>10.1. Polk County will recognize the patients' rights to request an accounting of disclosures of their PHI. §164.528</p> <p>10.2. Polk County will prepare the accounting of disclosures of PHI with content that meets requirements as described in the procedures created by Polk County. §164.528(b) and (c)</p> <p>10.3. Polk County will document the request for an accounting of disclosures of PHI and subsequent action. §164.530(j) and §164.528(d)</p>

PROCEDURES

Patient Requests Accounting of PHI Disclosures §164.528

Forms: [Request for Accounting of Disclosures](#)

or

[Privacy Access Request](#)

[Response to Request for Accounting of Disclosures](#)

[Accounting of Disclosures](#)

[Extension of Time for Accounting of Disclosures](#)

Print the *Request for Accounting of Disclosures* form and ask the patient to complete and sign the form. Give the form to Polk County's Privacy Officer. The Privacy Officer must:

Determine if the patient has made an accounting request in the last 12 months. If so:

- C Notify the individual that a fee will be charged to generate the accounting.
- C Tell the patient that if payment is declined the request for an accounting of PHI disclosures will be terminated.
- C Tell the patients that they have the opportunity to modify their requests so as to reduce fees.

Note: You cannot charge fees to a patient who is requesting an accounting of disclosures for the first time in any 12-month period.

Determine if the accounting is permissible. A patient cannot request an accounting for the following purposes:

- C PHI used or disclosed for the treatment, payment or health care operations of the patient.
- C Disclosures that were made to the patient.
- C Disclosures that were made with written authorization from the patient.
- C Incidental disclosures, such as two doctors discussing a patient's case in the hospital hallway, which may have been overheard.
- C Disclosures of PHI included in a facility directory.
- C Disclosures made for national security or intelligence purposes.
- C Disclosures to law enforcement or correctional institutions.
- C Disclosures made as part of a limited data set.
- C Disclosures that were made prior to the HIPAA compliance date.
- C Disclosures that were made more than six years before the date of the request for an accounting.

Determine if the accounting can be provided to the individual within 60 days of the request. If not:

- C Print and complete the *Extension of Time for Accounting of Disclosures* form. You are allowed a 30- day extension. You must provide the estimated time the accounting will be available, and a reason for the delay. Polk County is allowed only one extension per request for accounting of disclosures.
- C Send the completed form to the individual.

Providing The Accounting of Disclosures

- a. Check to be sure that there are no active written or documented "suspensions of disclosure rights" on file that fall within the time period covered by the disclosure accounting request. If there are, be sure to EXCLUDE this information from the accounting of disclosures.
- b. Print out and complete the Response to Request for Accounting of

Disclosures form.

- c. Gather and record the disclosure information for the requested period not to exceed the six years prior to the request, and does not cover the period prior to April 14, 2003. This information may include PHI from other providers.
- d. Provide any support documents required for the accounting.
- e. Send the patient the accounting, which includes:
 - C Date;
 - C Name of recipient of PHI and address, if known;
 - C Brief description of PHI;
 - C Brief statement of purpose, or a copy of the request for PHI.
- f. For multiple disclosures sent to the same person for the same or similar purposes, send the above information and include the frequency, periodicity, and number of requests, as well as the date of last disclosure. You are not required to provide copies of each of these disclosures.
- g. For disclosures of PHI made for research purposes involving 50 or more people, Polk County can prepare a statement for all of its patients requesting an accounting. The statement should state that the patient's PHI may have been included, and must also include:
 - C The name of the protocol or other research activity.
 - C A description of the research, including the purpose of the research and the criteria for selecting records.
 - C A brief description of the PHI that was disclosed.
 - C The date or period of time for the disclosure, including the last date a disclosure was made for this purpose.
 - C The name, address or telephone number of the entity that sponsored the research, and the researcher who received the information.

If it is reasonably possible that patients were a part of this research, then, at the request of the patients, you must help them locate the sponsor of the research.

File a copy of the PHI disclosure accounting and other required information in the patient's file. Your documentation must include the information that you provided and the title of the persons or offices responsible for receiving and processing requests for accounting by patients. This information must be retained for no less than six years from the date the accounting was made.

Polk County must document the disclosures that are required by law to be included in the accounting, and the written accounting that is provided to the patient.

Suspension of an Individual's PHI Disclosure Accounting Rights

§165.528

Written Request

Verify that the written statement includes notification that the accounting to the individual would be reasonably likely to impede the agency's activities and specifies the time for which such a suspension is required.

Oral Request

Document the oral request. Include the identity of the agency or official making the request. If an oral request is made, it can last no more than 30 days from the date of the request. If the health oversight agency or law enforcement official would like to extend this time period, they must submit a written request.

Polk County's Privacy Officer must file the information in the individual's file for consideration when a disclosure accounting request is received from the individual.

FREQUENTLY ASKED QUESTIONS

Who can request an accounting of PHI disclosures?

All patients have a right to receive an accounting of disclosures (a list) of their PHI made by Polk County in the six years prior to the date the accounting is requested and after April 14, 2003. Most routine disclosures do not have to be reported to the patient, but the patient has a right to receive an accounting, even if no qualified disclosures were made.

How does a patient request an accounting of disclosures?

Patients can make this request at any time, either orally or in writing. Polk County may choose to require that a patient fill out a *Request for Accounting of Disclosures* form to request an accounting of disclosures.

Be sure to document all requests for an accounting of disclosures with your Privacy Officer.

We have received a request for an accounting of disclosures...Now What?

After you have received a request for an accounting of disclosures, you must act on the request within 60 days from the date you received the request. If you cannot provide the accounting as requested within 60 days, you must provide a *Response to Request for Accounting of Disclosures* form to notify the patient that the accounting cannot be provided within this time frame. This notice must include the reasons for the delay and the approximate date the accounting will be provided. Which can be up to another 30 days from the previous deadline.

Note: Polk County is only allowed *only* one 30-day extension.

Once information has been prepared, and the accounting of disclosures is provided, you must document the disclosure. You should record in the patient's file what information was disclosed, to whom, and the date.

Do we have to prepare an accounting of ALL disclosures of PHI?

Polk County must include all disclosures of PHI that Polk County made in the time frame specified in the request. A patient may request an accounting for up to six years prior to the date of the request, as long as the six years occurred after the HIPAA compliance date. For example, you would not provide an accounting of disclosures that were made prior to April 14, 2003, the HIPAA compliance date.

Most disclosures of PHI are exempt from this accounting. They are disclosures made for:

- C Treatment, payment, or health care operations.
- C The patient.
- C A facility directory, or for notification purposes.
- C National security or intelligence.
- C Correctional institutions or law enforcement officials.
- C Part of a limited data set (disclosures that did not reveal patient name or ID).

What must be included in the accounting of disclosures?

Polk County must provide the patient with a written accounting of disclosures. This document must include all of the following:

- C The date of the disclosure.
- C The name of the person or organization that received the PHI.
- C The address of the person or organization that received the PHI, if known.
- C A brief description of the PHI that has been disclosed.
- C A brief statement of the purpose of the disclosure.

If you repeatedly disclose PHI to the same person or the same entity for the same reason, you can consolidate the accounting by providing all the above information,

and include:

- C The frequency of these multiple disclosures.
- C The last date of the disclosure.

If you have made a disclosure of PHI for purposes of research for 50 or more patients, you must provide to the patient:

- C A protocol of the research.
- C A brief description of the purpose of the research.
- C A brief description of the PHI disclosed.
- C The date or time period for the disclosure.
- C The name, address, and telephone number of the entity that sponsored the research and of the researcher who received the PHI.
- C A statement that the PHI of the patient making the request may or may not have been included in this disclosure.

Can we charge a patient for the Accounting of Disclosure?

Polk County is obligated to provide every patient a free accounting of disclosures within any twelve-month period. In other words, each patient can request one disclosure each year. After that, Polk County may charge a reasonable cost-based fee for the preparation. The patient must be informed of the fee in advance, and given the opportunity to modify or rescind their request.

AUTHORITY

45 CFR §164.528 (2002)

45 CFR §164.528(b) and (c) (2002)

45 CFR §164.530(j) (2002) and 45 CFR §164.528(d) (2002)