

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.3	Patients' Rights in Regard to Privacy of Protected Health Information	Revised:	February 2010
Policy 11.3.1	Accounting of Disclosures of Protected Health Information	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION

Policy

Individuals shall have the right to receive an accounting of protected health information disclosures made by the Health Science Center during the six (6) years prior to the request date for paper health records, except for disclosures for treatment, payment and health care operations, and disclosures based on a patient authorization. And, an accounting of disclosures for electronic health records may be requested for three (3) years prior to the request date, including disclosures for treatment, payment, or health care operations.

The Health Science Center must provide the individual with a written accounting that meets the following requirements except as otherwise provided:

1. For paper health records, the accounting must include disclosures of protected health information that occurred during the six years (or shorter time period if requested) prior to the date of the request. This includes disclosures to and by Business Associates.
2. For paper health records (excludes disclosures for treatment, payment and health care operations), the accounting for each disclosure must include:
 - a. The date of the disclosure;
 - b. The name of the entity or person who received the protected health information and, if known, the address of such entity or person;
 - c. A brief description of the protected health information disclosed; and,
 - d. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure, or in lieu of such statement, a copy of a written request for a disclosure, if any.

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3. For electronic records (includes disclosures for treatment, payment and health care operations), the Health Science Center may elect the method of the accounting. The Health Science Center can either:
 - a. Disclose the information under item 2 above which also includes disclosures to and by Business Associates; or,
 - b. Disclose the information under item 2 above and for Business Associates acting on behalf of the Health Science Center, include the Business Associates' contact information (such as mailing address, phone number, and e-mail address). The Business Associates shall provide an accounting of disclosures made by the Business Associate.
 4. If the Health Science Center has made multiple disclosures of protected health information to the same person or entity for a single purpose, the accounting may, with respect to such multiple disclosures, provide:
 - a. The information required above;
 - b. The frequency, time frames, or number of the disclosures made during the accounting period; and,
 - c. The date of the last such disclosure during the accounting period.

Exceptions to the Right of Accounting of Disclosures

In accounting for disclosures of protected health information, the Health Science Center must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official if such agency or official provides the Health Science Center with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities. The written statement must specify the time for which such a suspension is required.

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If the agency or official suspends an individual's right to receive an accounting of disclosures, and the statement is made orally, the Health Science Center must:

1. Document the statement, including the identity of the agency or official making the statement;
2. Temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and,
3. Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement from the suspending agency or official is submitted during the time period.

Also, the Health Science Center is not required to account for the following disclosures:

1. To carry out treatment, payment, and health care operations on paper health records;
2. To individuals of protected health information about themselves;
3. Pursuant to a patient authorization;
4. For the facility's directory or to persons involved in the individual's care or other notification purposes;
5. Incidental disclosures;
6. For national security or intelligence purposes;
7. To correctional institutions or law enforcement custodial officials; and,
8. As part of a limited data set.

**Disclosures
for Research**

If, during the period covered by the accounting, the Health Science Center has made disclosures of protected health information for a

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particular research purpose for 50 or more individuals, the accounting may, with respect to such disclosures for which protected health information about the individual may have been included, provide:

1. The name of the protocol or other research activity;
2. A description, in plain language, of the research protocol or other research activity, including the purpose of the research and the criteria for selecting particular records;
3. A brief description of the type of protected health information that was disclosed;
4. The date or period of time during which such disclosures occurred, or may have occurred, including the date of the last such disclosure during the accounting period;
5. The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and,
6. A statement that the protected health information of the individual may or may not have been disclosed for a particular protocol or other research activity.

If the covered entity provides an accounting for research disclosures, in accordance with this section, and if it is reasonably likely that the protected health information of the individual was disclosed for such research protocol or activity, the Health Science Center shall, at the request of the individual, assist in contacting the entity that sponsored the research and the researcher.

Compliance Standards

The individual must complete the [Request for Accounting of Disclosures](#). Then the Health Science Center must act on the individual's request for an accounting, no later than 60 days after receipt of such a request, as follows:

1. Provide the individual with the accounting requested; or

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2. If the Health Science Center is unable to provide the accounting within the time required above, the Health Science Center may extend the time to provide the accounting by no more than 30 days, provided that:
 - a. The Health Science Center, within the time limit of 60 days, provides the individual with a written statement of the reasons for the delay and the date by which the covered entity will provide the accounting; and,
 - b. The Health Science Center may have only one such extension of time for action on a request for an accounting.
 3. The Health Science Center must provide the first accounting to an individual in any 12 month period without charge. The Health Science Center may impose a reasonable, cost-based fee for each subsequent request for an accounting by the same individual within the 12-month period, provided that the Health Science Center informs the individual in advance of the fee and provides the individual with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee. The Health Science Center reserves the right to determine reasonable fees for subsequent requests.

Documentation for Accounting of Disclosures

The Health Science Center personnel shall account for disclosures of protected health information by documenting any such disclosures. Designated staff will account for disclosures either in written format, or if the capability exists, electronically. See copy of [Accounting of Disclosures of Protected Health Information](#) form. The following must be documented and retained:

1. Staff designated by job titles, or by name, by individual Schools will be responsible for receiving and processing requests for an accounting of disclosures;
2. The information required to be included in the accounting is described in the second paragraph above, under "Procedures"; and,

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3. The written accounting that is provided to the individual under this section should be filed in the health record.
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