



HIPPA Privacy Rule Policies

Policies and Procedures	Policy # 11	
ACCOUNTING OF DISCLOSURES		
APPROVED BY:	ADOPTED:	
	REVISED: 07122017	
SUPERCEDES POLICY: NEW	REVIEWED: 07122017	

Purpose

To describe the circumstances under which an individual may obtain an Accounting of Disclosures of their Protected Health Information (PHI) and how LifeMed ID will assist its customers with responding to requests for an Accounting of Disclosures in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

Policy

It is the policy of LifeMed ID to provide an Accounting of Disclosures of an individual’s PHI when requested by the individual or a customer in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

All workforce members must comply with this policy. Violations of this policy will result in disciplinary action based on the seriousness of the offense or other factors. Disciplinary action may include written warning, suspension, or termination.

Definitions

“Customer” is an entity from which LifeMed ID receives PHI subject to a Business Associate Agreement (or other written agreement with the entity) in compliance with the HIPAA Regulations and approved by LifeMed ID’s legal counsel.

For definitions of other capitalized terms or phrases, please refer to: *HIPAA-HITECH Privacy and Security Glossary*.

Procedures

1. Individual’s Right to Accounting of Disclosures. Individuals have the right to receive an Accounting of Disclosures of their PHI.
 - a. The Accounting of Disclosures does not have to include disclosures made for the following purposes or to the following recipients:
 - i. For Treatment, Payment, or Health Care Operations (Refer to: *Privacy Policies #18, #19 and #20: Uses and Disclosures for Treatment, Payment and Health Care Operations, respectively*),





- ii. To the individual or the individual's Personal Representative (Refer to: *Privacy Policy #13: Personal Representatives*),
 - iii. Authorized by the individual or the individual's Personal Representative
 - iv. To notify families of individuals or to assist families or and other persons involved in the individual's care, if consistent with the HIPAA Privacy Rule,
 - v. For national security or intelligence purposes (Refer to: *Privacy Policy #26: Other Permissible Uses and Disclosures*),
 - vi. To correctional institutions or to law enforcement authorities that have custody of the individual (Refer to: *Privacy Policy #26: Other Permissible Uses and Disclosures*),
 - vii. As part of a Limited Data Set (Refer to: *Privacy Policy #17: Uses and Disclosures of Limited Data Sets*),
 - viii. Occurring prior to April 14, 2003, or
 - ix. Incident to a use or disclosure otherwise permitted or required by these policies (Refer to: *Privacy Policy #14: Required and Permissible Uses and Disclosures*),
- b. Examples of accountable disclosures include:
- i. Impermissible disclosures known to any LifeMed ID workforce members,
 - ii. Disclosures to government agencies performing licensure, surveys, etc.,
 - iii. Disclosures made pursuant to a court order or subpoena,
 - iv. Disclosures to law enforcement not involved in custodial care, and
 - v. Disclosures about victims of abuse, neglect or domestic violence.
- c. LifeMed ID must temporarily suspend an individual's right to receive an Accounting of Disclosures if it receives a written statement from a health oversight agency or law enforcement official that such an Accounting to the individual would be reasonably likely to impede the agency's or official's activities. The time frame for such a suspension is required.
- d. The Accounting of Disclosures will not include disclosures occurring prior to the shorter of (i) the period specified by the individual, (ii) April 14, 2003, or (iii) the date six (6) years prior to the individual's request.

Only the individual or the individual's Personal Representative may obtain an Accounting of Disclosures of the individual's PHI.



2. Responsibility for Responding to Requests. The customer's Privacy Office is responsible for making determinations regarding requests for Accountings of Disclosures and should notify LifeMed ID of any grant of requests for an Accounting of Disclosures by contacting the LifeMed ID's Privacy Officer.
3. Requests from LifeMed ID's customer.
 - a. If the customer notifies LifeMed ID of a granted request for an Accounting of Disclosures, LifeMed ID will comply with the request.
 - b. Any LifeMed ID workforce member that receives a notice from a customer requesting LifeMed ID to provide an Accounting of Disclosures will forward the request to LifeMed ID's Privacy Officer.
 - c. LifeMed ID's Privacy Officer will oversee implementing the necessary procedures to comply with the granted request.
4. Requests Made Directly to LifeMed ID
 - a. Upon receiving a request for an Accounting of Disclosures of PHI directly from an individual or an individual's Personal Representative, the LifeMed ID workforce member will:
 - i. Refer the individual or individual's Personal Representative to LifeMed ID's customer service department, and
 - ii. Notify LifeMed ID's Privacy Officer who will notify the customer's Privacy Office in a manner that complies with the applicable customer contract.
5. Record Retention.
 - a. LifeMed ID's Privacy Officer will, for a period of six (6) years from the date of a PHI disclosure, maintain appropriate records in order to provide for an Accounting of Disclosures upon request of the individual or his/her Personal Representative.
 - b. A similar record will be kept by all LifeMed ID's Downstream Business Associates that disclose PHI. Refer to: *Privacy Policy #15: Uses By and Disclosures to Subcontractors and Third Parties.*
6. Charges.
 - a. In the event an individual requests two (2) accountings within a twelve (12) month period and the recovery of a fee is permitted by the customer contract, LifeMed ID may charge a reasonable fee based on LifeMed ID's costs and the applicable contract.
 - b. For disclosures of PHI maintained in an Electronic Health Record, the charge for disclosure may not exceed labor costs.
 - c. LifeMed ID's Privacy Officer will determine if a charge is appropriate.



7. Provision of Accounting.

- a. LifeMed ID's Privacy Officer will provide an Accounting of Disclosures to the requesting individual within sixty (60) days of LifeMed ID receiving an authorized request, unless the contract with the customer requires a quicker response.
- b. The LifeMed ID Privacy Officer will provide the customer an Accounting of Disclosure that includes the following information:
 - i. A brief description of the event including the date of the disclosure,
 - ii. A description of the types of PHI disclosed,
 - iii. Name of entity or person who received the PHI and address if known,
 - iv. The purpose of the disclosure (if applicable),
 - v. If the disclosure was unauthorized or impermissible, a brief description of efforts to investigate the disclosure, to mitigate losses and to protect against further PHI disclosures.
 - vi. In addition to the Accounting of Disclosures, other information that may be required by applicable legal or customer requirements such as contact procedures for individuals to ask questions or learn additional information which may include a toll-free telephone number, an email address, website or postal address.

8. Documentation. The designated office will document the information about the handling of the request for an Accounting of Disclosures in the individual's record as required by the customer or the customer's contract, and in accordance with LifeMed ID's internal policies and procedures. The LifeMed ID Privacy Officer will ensure that documentation associated with an Accounting of Disclosure that has been granted includes:

- a. The titles of the persons or offices at your customer responsible for processing requests for an Accounting of Disclosures by individuals,
- b. The titles of persons and office at LifeMed ID responsible for receiving and implementing an Accounting of Disclosures granted by your customer, and
- c. Steps taken by LifeMed ID to accommodate a granted request for an Accounting of Disclosures.

Documentation

This version of the policy, together with any forms and other documentation created or obtained in accordance with the policy, will be retained by LifeMed ID for a period of at least 6 years plus the current year from the date of creation or the date when last in effect, whichever is later.





Regulatory Authority

45 C.F.R. §164.528 Accounting of disclosures of protected health information.

(a) Standard: Right to an accounting of disclosures of protected health information.

(1) An individual has a right to receive an accounting of disclosures of protected health information made by a covered entity in the six years prior to the date on which the accounting is requested, except for disclosures:

- (i) To carry out treatment, payment and health care operations as provided in §164.506;
- (ii) To individuals of protected health information about them as provided in §164.502;
- (iii) Incident to a use or disclosure otherwise permitted or required by this subpart, as provided in §164.502;
- (iv) Pursuant to an authorization as provided in §164.508;
- (v) For the facility's directory or to persons involved in the individual's care or other notification purposes as provided in §164.510;
- (vi) For national security or intelligence purposes as provided in §164.512(k)(2);
- (vii) To correctional institutions or law enforcement officials as provided in §164.512(k)(5);
- (viii) As part of a limited data set in accordance with §164.514(e); or
- (ix) That occurred prior to the compliance date for the covered entity.

(2) (i) The covered entity must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official, as provided in §164.512(d) or (f), respectively, for the time specified by such agency or official, if such agency or official provides the covered entity with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities and specifying the time for which such a suspension is required.

(ii) If the agency or official statement in paragraph (a)(2)(i) of this section is made orally, the covered entity must:

- (A) Document the statement, including the identity of the agency or official making the statement;
- (B) Temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and
- (C) Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement pursuant to paragraph (a)(2)(i) of this section is submitted during that time.

(3) An individual may request an accounting of disclosures for a period of time less than six years from the date of the request.



(b) Implementation specifications: *Content of the accounting. The covered entity must provide the individual with a written accounting that meets the following requirements.*

(1) Except as otherwise provided by paragraph (a) of this section, the accounting must include disclosures of protected health information that occurred during the six years (or such shorter time period at the request of the individual as provided in paragraph (a)(3) of this section) prior to the date of the request for an accounting, including disclosures to or by business associates of the covered entity.

(2) Except as otherwise provided by paragraphs (b)(3) or (b)(4) of this section, the accounting must include for each disclosure:

(i) The date of the disclosure;

(ii) The name of the entity or person who received the protected health information and, if known, the address of such entity or person;

(iii) A brief description of the protected health information disclosed; and

(iv) 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 under §§164.502(a)(2)(ii) or 164.512, if any.

(3) If, during the period covered by the accounting, the covered entity has made multiple disclosures of protected health information to the same person or entity for a single purpose under §§164.502(a)(2)(ii) or 164.512, the accounting may, with respect to such multiple disclosures, provide:

(i) The information required by paragraph (b)(2) of this section for the first disclosure during the accounting period;

(ii) The frequency, periodicity, or number of the disclosures made during the accounting period; and

(iii) The date of the last such disclosure during the accounting period.

(4) (i) If, during the period covered by the accounting, the covered entity has made disclosures of protected health information for a particular research purpose in accordance with §164.512(i) for 50 or more individuals, the accounting may, with respect to such disclosures for which the protected health information about the individual may have been included, provide:

(A) The name of the protocol or other research activity;

(B) 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;

(C) A brief description of the type of protected health information that was disclosed;



(D) 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;

(E) The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and

(F) 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.

(ii) If the covered entity provides an accounting for research disclosures, in accordance with paragraph (b)(4) of 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 covered entity shall, at the request of the individual, assist in contacting the entity that sponsored the research and the researcher.

(c) Implementation specifications: *Provision of the accounting.*

(1) The covered entity must act on the individual's request for an accounting, no later than 60 days after receipt of such a request, as follows.

(i) The covered entity must provide the individual with the accounting requested; or

(ii) If the covered entity is unable to provide the accounting within the time required by paragraph (c)(1) of this section, the covered entity may extend the time to provide the accounting by no more than 30 days, provided that:

(A) The covered entity, within the time limit set by paragraph (c)(1) of this section, 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 covered entity may have only one such extension of time for action on a request for an accounting.

(2) The covered entity must provide the first accounting to an individual in any 12 month period without charge. The covered entity 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 covered entity 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.

(d) Implementation specification: *Documentation. A covered entity must document the following and retain the documentation as required by §164.530(j):*

(1) The information required to be included in an accounting under paragraph (b) of this section for disclosures of protected health information that are subject to an accounting under paragraph (a) of this section;

(2) The written accounting that is provided to the individual under this section; and



(3) The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals.



References

Internal

1. Privacy Policy #12, Authorization to Use or Disclose Protected Health Information
2. Privacy Policy #13, Personal Representatives
3. Privacy Policy #14, Required and Permissible Uses and Disclosures
4. Privacy Policy #15, Uses and Disclosures to Subcontractors and Third Parties
5. Privacy Policy #17, Uses and Disclosures of Limited Data Sets
6. Privacy Policy #18, Uses and Disclosures for Treatment Purposes
7. Privacy Policy #19, Uses and Disclosures for Payment Purposes
8. Privacy Policy #20, Uses and Disclosures for Health Care Operations
9. Privacy Policy #26, Other Permissible Uses and Disclosures

External

1. Omnibus Final Rule: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=a1031c979126e6440b522063b7bba578&rgn=div5&view=text&node=45:1.0.1.3.78&idno=45%20>