

Policies & Procedures

ACCOUNTING FOR DISCLOSURES

Section: HIPAA

Pages: 3

Subject: Accounting for Disclosures

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PURPOSE

Clients have a right to receive an accounting of disclosures of PHI made from their electronic record, which were not related to treatment, payment, and health care operations, or pursuant to an authorization.

POLICY

Davis Behavioral Health (DBH) personnel will maintain a Record of PHI Disclosures in the client file to record all appropriate disclosures. Information on the PHI Disclosure form must be maintained for at least six years. Each disclosure will be logged by the person who made the disclosure.

Disclosures of PHI that are not related to treatment, payment, and health care operations, or pursuant to an authorization must be approved by the compliance officer.

PROCEDURE

1. Recording Disclosures: When disclosure of PHI meeting the policy, criteria have been approved by a supervisor, compliance officer or designee, or when an accidental or illegal disclosure has been discovered:
 - a. Record the disclosure at, or as close to the time of, the disclosure of discovery as possible on the PHI Disclosure to be Included in the Client's Accounting form.
 - b. Enter all information required.
 - c. Enter the following types of disclosures of PHI (not all-inclusive):
 - i. Reporting for public health requirements:
 1. Poison control
 2. Accidental deaths
 3. Vaccination reactions

- ii. Reporting abuse or neglect
 - 1. Of children, the elderly, or mentally disabled persons
- iii. Reporting for health oversight activities such as CDC, FDA, DEA, etc.
 - 1. Illnesses, injuries, or deaths due to medical devices
 - 2. Required tracking of FDA-regulated products
 - 3. Injury caused by the discharge of firearms
 - 4. Disaster relief activities
 - 5. Outside auditors
- i. For limited law enforcement purposes:
 - 1. Identification and location purposes
 - 2. Crime reporting and investigation
- ii. For services and processes related to decedents, including:
 - 1. Funeral directors, coroners, and medical examiners
 - 2. Organ, eye, and tissue donation organizations
- iii. To avert serious threats to health or safety
- iv. For specialized government functions
 - 1. Military and veteran's activities
 - 2. VIP protective services
 - 3. Medical suitability (public officials)
- v. Workers' Compensation disclosures not authorized by the client
- vi. Known accidental and/or illegal disclosures

2. Responding to Requests for Accounting of Disclosures

- a. When a written Request for Accounting of Disclosures is received, verify the identity of the requestor, and if not the client, the relationship of the requestor to the client and their authority to receive the accounting. Record the request on the Accounting of PHI Disclosed by DBH form.
- b. If any disclosures have been recorded on a paper Record of PHI Disclosures form in the client's medical record, attach a copy of the Record of PHI Disclosures form to the original Request for Accounting of Disclosures, and forward both to the compliance officer. If there is no Record of PHI Disclosures form in the client's medical record, send only the Request for Accounting of Disclosures form.
- c. The compliance officer will coordinate the response to the request.
- d. Maintain a copy of the response, when received, in the client's medical record.

3. Grounds for temporary suspension of right to receive an accounting:

- a. DBH must temporarily suspend a client's right to receive an accounting of disclosures made to a health oversight agency or law enforcement official upon request by the agency or official.

- b. Such requests should be made in writing; however, if the request is made orally, DBH must document the statement, including the identity of the agency or official making the statement.
 - c. Temporary suspension should be limited to no longer than 30 days from the date of the oral statement unless a written statement is submitted during that time.
4. Fees for the provision of accounting. DBH must provide the first accounting to a client in any 12-month period without charge. The fees for subsequent accountings will be \$15.00. If a client requests a review of their records with their clinician, the fees for accounting should be calculated at an hourly rate, to include all persons involved in compiling the requested information, but not to exceed \$50.00.
5. Accounting for disclosures during research. Researchers who disclose protected health information to individuals or entities outside of DBH are responsible for tracking all disclosures that were not related to treatment or health care operations and which were not authorized by the client.