

Accounting of Disclosures of PHI HIPAA Policy: Privacy 02

Summary: This policy outlines the rules for documenting releases of PHI to individuals other than the patient

Affected Individuals: Staff and patients at HIPAA covered entities

1.0 PURPOSE

The purpose of the University of Mississippi (UM) Accounting of Disclosures of Protected Health Information (PHI) Policy is to outline the Health Insurance Portability and Accountability Act (HIPAA) regulations for accounting of disclosures of (PHI) that have occurred for a period of up to six years prior to the date of the request.

2.0 SCOPE

University of Mississippi (UM) shall adhere to the regulations set forth by HIPAA to protect the privacy of health information.

3.0 STANDARDS

3.1 Documentation specifications of HIPAA:

- A copy of the written accounting that is provided to the individual, as provided for in this policy should be kept for a period of six years.
- The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals must be kept for six years.

3.2 Accounting of Disclosures:

3.2.a All requests for an accounting of disclosures should be sent to the Director of the HIPAA covered entity where the records were generated.

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3.2.b The requestor must include in the request a specific time frame for which he/she would like UM to make the accounting. For instance, the individual may request that we provide to him/her an accounting of disclosures made within the last three years. But, UM does not have to account for disclosures made more than six years prior to the date of the request and UM does not have to account for any disclosures made prior to April 14, 2003, which is a date set by the HIPAA Privacy Standards.

3.2.c The following information is required by HIPAA to be included in an accounting of disclosures:

- The date of the disclosures;
- The name of the entity or person who received the PHI and if known, the address of such entity or person;
- A brief description of the PHI disclosed; and
- 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 disclosure, such as a request from the Secretary of Health and Human Services.

3.2.d If, during the time period covered by the accounting, UM has made multiple disclosures to the same person or entity for a single purpose pursuant to a single authorization where the authorization asks for multiple copies of the same information, UM can provide the following in its accounting:

- The information required by 3.2.d above for the first disclosure;
- The frequency, periodicity, or number of subsequent disclosures made during the accounting period; and the date of the last disclosure.

3.3 Time limit on fulfilling request and charges associated with fulfilling requests:

- UM will fulfill the individual's request for an accounting no later than 60 days after the receipt of such a request; or
- If for some reason, UM is unable to fulfill this request within 60 days, UM may extend the timeframe no more than 30 days.
- UM will provide the individual with a written statement of the reasons for the delay and the date by which UM will provide the accounting. This written statement will be provided within the original 60-day timeframe.
- UM will only request such extension only once per request.
- UM will provide the first accounting in any 12-month period free of charge. For subsequent requests within the same 12-month period, UM will impose a reasonable cost-based fee.
- All individuals will be notified in advance of such fees and will be provided with an opportunity to withdraw or modify any subsequent request for accountings in order to avoid or reduce the fee.

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3.4 Exceptions to the accounting of disclosures:

There are some disclosures that **do not have to be included** in the accounting of disclosures. These include:

- Disclosures used to carry out treatment, payment and health care operations;
- Disclosures made pursuant to an authorization signed by the individual or his/her representative;
- Disclosures of PHI about an individual made to the individual;
- Disclosures made through the facility directory;
- Disclosures made to persons involved in the individual's care;
- Disclosures made for notification purposes, such as to assist law enforcement in notifying family members of an individual brought to the ER from an accident scene;
- Disclosures for national security or intelligence purposes;

3.5 Certain disclosures to health oversight agencies and law enforcement officials. They have the right to request that UM suspend an individual's right to request an accounting of disclosures. The agency or law enforcement official can make the request orally or in writing. The request must indicate that an accounting to the individual would be reasonably likely to impede the agency's or law enforcement official's activities. This statement must also specify the time for which such a suspension is required. Suspending an individual's right to receive an accounting of disclosure:

There are instances where UM will be requested to suspend an individual's right to an accounting of disclosures by a healthcare oversight agency such as the U.S. Office of Inspector General or the Medicaid Fraud Division of the State Attorney General's Office, or to other law enforcement officials, such as Campus Police. Officials making such a request should be directed to the release of information area as applicable, to present a written request. If the request is being made after normal business hours,

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For questions about the UM Accounting of Disclosures of Protected Health Information (PHI) Policy or for more information, call the Office of Integrity and Compliance at 815-3944.