

LAC+USC MEDICAL CENTER POLICY

Subject: PROTECTED HEALTH INFORMATION: ACCOUNTING OF DISCLOSURES		Original Issue Date: 4/14/03	Policy # 400.6
		Supersedes: 11/12/13	Effective Date: 5/9/17
Departments Consulted: Health Information Management Expenditure Management Ethics Resource Committee HIPAA Compliance Office Health Information Committee	Reviewed & Approved by: Attending Staff Association Executive Committee Senior Executive Council	Approved by: Chief Medical Officer	
		Chief Executive Officer	

PURPOSE

To establish a policy regarding the accounting of disclosures of protected health information.

POLICY

LAC+USC Medical Center shall recognize and accommodate the right of an individual to receive an accounting of disclosures concerning his or her protected health information (PHI).

DEFINITIONS

Protected Health Information (PHI)

Individually identifiable information relating to past, present, or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual.

Business Associate (BA)

A person or entity who, on behalf of the Medical Center, but not in the capacity of a workforce member, performs or assists in the performance of a function or activity involving the use or disclosure of PHI, or provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services involving disclosure of PHI.

Disclose or Disclosure

With respect to PHI, the release of, transfer of, provision of access to, or divulging in any manner PHI outside of the Medical Center's internal operations or to other than its workforce members.

Workforce or Workforce Members

Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the Medical Center, is under the direct control of the Medical Center, whether or not they are paid by the County.

PROCEDURE

Individual's Right to Accounting of Disclosures of PHI

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- A. An individual has a right to receive an accounting of disclosures of PHI made by the Medical Center (and its business associates) during a time period specified up to six (6) years prior to the date of the request for an accounting **except** for disclosures:
- To carry out treatment, payment, or health care operations (TPO);
 - To the individual about his or her own PHI;
 - For the facility directory, to persons involved in the individual's care, or other notification purposes (e.g., disaster relief assistance) permitted under law;
 - Pursuant to the individual's authorization;
 - For national security or intelligence purposes;
 - To correctional institutions or law enforcement officials having lawful custody of individuals;
 - That are incidental to uses and disclosures permitted by the HIPAA Privacy Rule;
 - Of limited data sets, as described in Medical Center Policy 400.2, "Protected Health Information: De-Identification And Re-Identification Of"; and
 - That occurred prior to April 14, 2003.
- B. The individual/patient may be asked to complete and submit a *Request for Accounting of Disclosures* form.
- C. Upon receipt of an accounting of disclosures request, Health Information Management (HIM) will log the request into the MRI module of Affinity/HIS.
- D. The Medical Center will temporarily suspend an individual's right to receive an accounting of disclosures if a health oversight agency or law enforcement official provides a written statement that such accounting may impede their activities. The written statement must also specify the amount of time for which such a suspension of rights is required. If a health care oversight or law enforcement official provides such request orally, the Medical Center must (1) document the statement and the identity of the agency or individual making the request; (2) temporarily suspend the individual's right to accounting; and (3) limit the suspension to 30 days, unless a written statement is submitted during that time period.

Content Requirements

- A. Other than as excepted above, the accounting must include disclosures of PHI that occurred during the six (6) years (or such shorter time period as is specified in the request) prior to the date of the request, including disclosures by or to business associates.
- B. The accounting for each disclosure must include:
- Date of disclosure;
 - Name of entity or person who received the PHI, and, if known, the address of such entity or person;
 - A brief description of the PHI disclosed;

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- A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure, or in lieu thereof, a copy of the individual's authorization or the request for a disclosure;
- C. If, during the time period for the accounting, multiple disclosures have been made to the same entity or person for a single purpose, or pursuant to a single authorization, the Medical Center may provide the individual with (1) the information as set forth above for the first disclosure during the accounting period, (2) the frequency, periodicity, or number of disclosures made during the accounting period; and (3) the date of the last such disclosure during the accounting period.
- D. If, during the period covered by the request for an accounting, the Medical Center makes disclosures of PHI for research involving 50 or more individuals, the accounting may provide:
- The name of the protocol or other research activity;
 - 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;
 - A brief description of the type of PHI disclosed;
 - The date or period of time during which the disclosures occurred, or may have occurred, including the date of the last such known disclosures during the accounting period;
 - The name, address, and telephone number of the researcher and sponsoring organization to whom the PHI was disclosed; and
 - A statement that the PHI of the individual may or may not have been disclosed for a particular protocol or other research activity.

If the Medical Center provides an accounting for research-related disclosures, and if it is reasonably likely that the individual's PHI was disclosed for a research protocol or activity, the Medical Center shall, upon the individual's request, assist in contacting the researcher and sponsoring organization.

Provision of the Accounting of Disclosures

- A. The Medical Center HIM must respond to an individual's request for an accounting of disclosures using the *Response to Request for Accounting of Disclosures* letter, subject to the exceptions set forth in this policy, within 60 days after receipt of the request.
- B. If HIM is unable to provide the accounting within the initial 60-day period, it may extend the period by no more than 30 days provided that:
- HIM, within the initial 60 days, sends the individual a written statement of the reason(s) for the delay and the date by which the accounting will be provided.
 - Only one extension period is applied.
- C. The first accounting of disclosures in any 12-month period must be provided to the individual without charge.

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- D. A reasonable fee may be charged for additional accountings within the same 12-month period provided the individual:
- Is informed of the fee in advance; **and**
 - Is provided the opportunity to withdraw or modify the request in order to avoid or reduce the fee.

Documentation Requirements for an Accounting of Disclosures

- A. The Medical Center will maintain a record of all individuals requesting an accounting of disclosures and the disposition of those requests and will document in written or electronic form and retain the following:
- All information noted in this policy that is required to be included in an accounting;
 - The written accounting provided to an individual pursuant to the individual's request for an accounting of disclosures; and
 - The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals.
- B. The Medical Center HIM staff will receive and process requests for accounting of disclosures, Monday through Friday from 8:00 A.M. to 4:30 P.M.
- C. The facility will retain the documentation of the accounting of disclosures in written or electronic format for a minimum of six (6) years.

RESPONSIBILITY

Health Information Management

REFERENCES

45 Code of Federal Regulations, Parts 160 and 164; Section 164.528, "Accounting of Disclosures of Protected Health Information."
DHS Policy No. 361.21 "Accounting of Disclosures"

REVISION DATES

April 10, 2007; September 25, 2008; November 12, 2013; May 9, 2017