

ACCOUNTING OF DISCLOSURES

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PURPOSE:

In keeping with patient rights created by the Health Insurance Portability and Accountability Act (HIPAA), this office recognizes that our patients have a right to an accounting of our disclosures of their protected health information (PHI) in certain circumstances.

POLICY:

Notice of patient rights to an accounting of disclosures of PHI is included in the *Notice of Privacy Practices*, which is posted in our office and provided to all patients.

Our patients have a right to receive an accounting of the PHI disclosures made by this office during the six years prior to the date on which the accounting is requested, though the request may be for a period of time less than six years from the date of the request. This office will begin tracking disclosures on April 14, 2003; disclosures made prior to that date will not be accounted for (see below).

DISCLOSURES NOT INCLUDED IN THE ACCOUNTING

- Disclosures to carry out treatment, payment and health care operations. See *Release of Information Under Permissive Disclosure* policy and procedure.
- Disclosures made to the patient or his/her representative such as parent, legal guardian, etc.
- Disclosures made subject to the patient's authorization. See *Release of Information Under Authorization* policy and procedure.
- Disclosures that are incidental to a use or otherwise permitted or required.
- Disclosures made for national security or intelligence purposes.
- Disclosures made to correctional institutions or law enforcement officials. See *Responding to Law Enforcement* policy and procedure.
- Disclosures that occurred prior to April 14, 2003.
- Disclosures to a health oversight agency or law enforcement official, for the time specified by such agency or official. Note that the agency or official must provide this office with a written statement demonstrating that such an accounting to the patient would likely impede the agency's activities. If a written statement is not available, the oral conversation must be properly documented. The agency or official must specify the time for which such a suspension is required and the suspension should be no longer than 30 days. See *Responding to Law Enforcement* policy and procedure.
- Recognizing there are specific legal parameters associated with information related to research, this office will not include any research information in any accounting without conferring with

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appropriate authorities, including the sponsoring research institution. See *Limited Data Set Records* policy and procedure.

FULFILLING A REQUEST FOR AN ACCOUNTING OF DISCLOSURES

In complying with a request for an accounting of disclosures, this office will provide the patient with a written report that meets the following requirements:

- The accounting will include any disclosures of PHI, other than the above-reference exceptions, that occurred during the six years (or such shorter time period at the request of the patient), including disclosures to or by our business associates.
- For each disclosure, we will include: 1) the date of the disclosure; 2) the name and address of the entity or person who received the PHI; 3) a brief description of the PHI disclosed; and 4) a brief statement informing the patient of the purpose of the disclosure or a copy of the written request for the disclosure.
 - Multiple disclosures to the same person or entity must include the information listed above for the first disclosure made during the accounting period, along with the frequency or number of disclosures made during the accounting period and the date of the last such disclosure during the accounting period.
- This office will act on a patient's request for an accounting, no later than 60 days after receipt of such a request. If we are unable to comply within 60 days, we will ask for a one-time extension of 30 days with a written statement to the patient of the reasons for the delay and the date by which we will provide the accounting.
- There will be no charge for the first accounting request within a 12-month period. Additional requests may be subject to a reasonable, cost-based fee that we will inform the patient of in advance, with an opportunity for withdrawal or modification of the request.

DOCUMENTATION

- This office will maintain a record of all requests for an accounting of disclosures as well as a copy of the accounting provided to the patient.
- The name and title of the person(s) responsible for receiving and processing requests for an accounting of disclosures will be kept in the privacy officer's records.

NOTICE: The Office of the General Counsel of the Texas Medical Association provides this information with the express understanding that 1) no attorney-client relationship exists, 2) neither TMA nor its attorneys are engaged in providing legal advice and 3) that the information is of a general character. You should not rely on this information when dealing with personal legal matters; rather legal advice from retained legal counsel should be sought.