

TITLE

Individual's Right to Request an Accounting of Disclosures of Protected Health Information

PURPOSE

In accordance with 45 CFR § 164.528, this guidance provides assistance and guidance to The University of Arizona (UA) Health Care Components (HCCs) on the proper response to an individual's or his/her personal representative's request to receive an Accounting of Disclosures of the individual's Protected Health Information (PHI).

REVIEW/REVISIONS

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- 06/2015

REFERENCES AND RELATED FORMS

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- Capitalized terms are defined in HIPAA Privacy Program Guidance (Definitions of Key Words) and 45 CFR Parts 160 and 164
 - HIPAA Privacy Program Form D (Request for Accounting of Disclosures)
 - HIPAA Privacy Program Form E (Accounting of Disclosures of PHI)
 - HIPAA Privacy Program Form F (Accounting of Disclosures of PHI for Research)
 - HIPAA Privacy Program Form G (Tracking form for Accounting of Disclosures of PHI)

STANDARDS

Each HCC establishes a process for tracking disclosures of PHI that complies with the applicable provisions of HIPAA regulations, 45 CFR § 164.528. HCCs may document disclosures in the patient's individual health care record or in a separate log or other format. HCCs must retain documentation regarding the request and the response for a period of six (6) years.

1. Disclosures Which Must Be Tracked: The following types of disclosures MUST be accounted for:
 - a. Disclosures required by law (i.e. reporting child abuse);
 - b. For public health activities (i.e. reporting communicable diseases to the Centers for Disease Control);
 - c. To coroners, medical examiners and funeral directors;
 - d. For judicial and administrative proceedings;
 - e. For organ donation purposes;
 - f. To researchers;
 - g. To avert a serious threat to health or safety (e.g. the "Tarasoff" duty to warn);
 - h. For certain specialized government functions, national security and law enforcement custodial situations; and
 - i. For workers' compensation processes.

2. Disclosures Which Do Not Require Tracking: The following types of disclosures do not need to be tracked or reported in the Accounting:
 - a. Disclosures to carry out Treatment, Payment or Health Care Operations;
 - b. Disclosures pursuant to an Authorization from the patient;
 - c. Disclosures to individuals regarding their own PHI;
 - d. Incidental Disclosures;
 - e. Disclosures for a facility's directory or to persons involved in the individual's care or other notification purposes as provided in HIPAA Privacy Program Guidance (Uses and Disclosures of PHI – Opportunity to Agree or Object Required);
 - f. Disclosures for national security or intelligence purposes;
 - g. Disclosures to correctional institutions or law enforcement officials; and
 - h. De-identified Data or data that are part of a limited data set.

3. Content of Accounting: HCCs must include the following information when tracking disclosures:
 - a. Date of disclosure;
 - b. Name and address of entity/person to whom the disclosure was made;
 - c. Brief description of the PHI disclosed; and
 - d. Brief statement of purpose for the disclosure.

4. Multiple Disclosures of PHI to Same Person or Entity for a Single Purpose: Pursuant to 45 CFR § 164.528(b)(3), HCCs may provide the following:
 - a. Information required above ("Content of Accounting") for the first disclosure;
 - b. The frequency, periodicity, or number of the disclosures made during the accounting period; and
 - c. The date of the last such disclosure during the accounting period.

5. Responding to Requests for Accounting: Generally, an individual has a right to receive an Accounting of Disclosures of PHI made by HCCs in the six (6) years prior to the date on which the accounting is requested. Requests may be made using HIPAA Privacy Program Form D (Request for an Accounting of Disclosures of PHI).
 - a. Timing: HCCs must act on the individual's request for an accounting no later than sixty (60) days after receipt of such request. HCCs may extend this response time by an additional thirty (30) days if (1) the HCC provides the individual with a written statement of the reasons for delay within the original sixty (60) days and (2) the HCC has not previously extended the time beyond sixty (60) days concerning a request for an Accounting of Disclosures.
 - b. HCC Responsibilities: HCCs should cooperate with the HIPAA Privacy Program to provide timely, accurate and complete responses to requests for Accounting.
 - c. HIPAA Privacy Program Responsibilities: The HIPAA Privacy Program may review all requests, coordinate with the HCC that is the subject of the request and

respond (either to the individual making the request or to the HCC, so that the HCC responds to the individual) pursuant to the standards established in 45 CFR § 164.528. If the HIPAA Privacy Program receives a request for Accounting directly from an individual, it will inform the HCCs upon receipt of such request.

6. Business Associates: Business Associates are responsible for properly accounting of disclosures of PHI they use/disclose pursuant to their role as a Business Associate of a Covered Entity.