

UNIVERSITY OF WYOMING

HIPAA POLICY 4.6

ACCOUNTING AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

- I. **PURPOSE:** The purpose of this policy is to ensure that UW Covered Components who provide direct treatment to patients have appropriate monitoring and documentation of disclosures of PHI in order to fully comply with individual requests for accounting of disclosures, as required by law.
- II. **DOCUMENTATION OF DISCLOSURES:**
- a. **Generally:** All verbal and written disclosures of PHI made by a UW Covered Component must be documented and made available to the patient upon the patient's request, EXCEPT for disclosures:
- i. To carry out treatment, payment and health care operations;
 - ii. To individuals of PHI about them;
 - iii. Incident to a use or disclosure otherwise permitted or required;
 - iv. Pursuant to the patient's authorization;
 - v. For the facility's directory or to persons involved in the individual's care or other notification purposes;
 - vi. For national security or intelligence purposes;
 - vii. To correctional institutions or law enforcement officials that have custody of the patient;
 - viii. That are part of a limited data set, or
 - ix. That occurred prior to April 14, 2003.
- b. **Content:** For each patient, the UW Covered Component shall enter into the patient's record/file, hard copy and/or electronically, the following information for disclosures of PHI:
- i. Date of disclosure;
 - ii. Name and address of the person or entity receiving the PHI;
 - iii. Brief description of PHI disclosed;
 - iv. Brief statement of purpose of disclosure, or in place of such statement:
 1. A copy of a written request for disclosure from the Secretary of HHS to investigate or to determine the UW Covered Component's compliance with the HIPAA Privacy Rule; or
 2. A written request pursuant to disclosures that are permitted without authorization (See UW HIPAA Policy 3.3),
 - v. For disclosures for research, name of the specific protocol under which the PHI was released.
- c. **Multiple Disclosures:** If during the period covered, a UW Covered Component made multiple disclosures of PHI to the same person or entity for a single purpose, the accounting may, with respect to the multiple disclosures, also provide:

- i. The frequency, periodicity, or number of the disclosures made during the accounting period; and
 - ii. The date of the last disclosure in the accounting period.
 - d. **Research:** If, during the period covered by the accounting, the UW Covered Component has made disclosures of PHI for a particular research purpose for 50 or more individuals, the accounting may, with respect to such disclosures for which PHI of the individual may have been included, provide:
 - i. The name of the protocol or other research activity;
 - ii. 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;
 - iii. A brief description of the type of protected health information that was disclosed;
 - iv. The date or period of time during which such disclosures occurred, or may have occurred, including the date of the last such disclosure during the accounting period;
 - v. The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and
 - vi. A statement that the protected health information of the individual may or may not have been disclosed for a particular protocol or other research activity.
- III. **PATIENT REQUESTS FOR ACCOUNTING OF PHI DISCLOSURES:** A request for an accounting of disclosure of PHI must meet the following requirements:
 - a. **Form:** The request must be in writing on a form approved by the UW Covered Component and must specify the period of time the accounting should cover, but it cannot cover more than six (6) years prior to the date on which the accounting is requested.
 - b. **Submittal:** The form should be submitted to the UW Covered Component's Privacy Officer as stated in its Notice of Privacy Practices.
 - c. **Temporary Suspension:** The UW Covered Component will suspend a patient's right to receive an accounting of disclosures at the request of a law enforcement official or agency or health oversight agency.
 - i. If there is a written statement that providing access would impede the activities of the agency and the agency specifies the length of time for the suspension of access, the UW Covered Component will comply with such a request for the length of time specified.
 - ii. If the request is made orally, the UW Covered Component will document the statement and the identity of the official making the request and will temporarily suspend access for no more than 30 days from the date the oral request was made, unless a written request is received during this period.
 - d. **Accounting:** If there is no temporary suspension in place to the patient's right to an accounting of disclosures is in effect, the UW Covered Component's Privacy Officer shall compile an accounting of disclosures of the records, including:
 - i. All manners of release of the PHI (hard copy, verbal, and electronic);

- ii. Disclosures to Business Associates, if such disclosures otherwise would be included in an accounting; and
 - iii. Disclosures by Business Associates, if such disclosures otherwise would be included in an accounting.
 - e. **Timeline:** A UW Covered Component must act on an individual's request for an accounting no later than 60 days after receipt of such request, as follows:
 - i. The UW Covered Component must provide the accounting requested; or If unable to provide the accounting within the time required, it may extend the time for such action by no more than 30 days, provided that it provides a written statement to the individual within the original time limit stating the reasons for the delay and the date by which it will provide the accounting. The UW Covered Component is limited to one such extension
 - f. **Charges:** An individual is entitled to the first accounting in any 12 month period free of charge. Thereafter, a reasonable, cost-based fee as approved by the UW Fee Book for each subsequent request for an accounting by the same individual within the 12 month period may be charged by the UW Covered Component so long as the UW Covered Component informs the individual in advance of the fee and provides the individual with an opportunity to withdraw or modify the request in order to reduce the fee.
- IV. **DOCUMENTATION:** UW Covered Components shall document the following and retain the documentation for six years or as required by state or federal law or UW Regulations, whichever is later:
 - a. Information to be included in an accounting for disclosures of PHI that are subject to an accounting;
 - b. The written accounting that is provided to an individual; and
 - c. The title of the persons or offices responsible for receiving and processing requests for an accounting by individuals.
- V. **REFERENCES/APPLICABLE LAW:**
 - a. 45 C.F.R. Section 164.528

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