

Accounting of Disclosures of Protected Health Information

1. SCOPE

- 1.1 System-wide
- 1.2 Facilities and departments included in the scope are further defined in the [Scope Definitions Resource Guide](#) if not specifically outlined above.

2. DEFINITIONS & EXPLANATIONS OF TERMS

- 2.1. Abbreviations
 - FDA: Food and Drug Administration
 - HIPAA: Health Insurance Portability and Accountability Act
 - MCHS: Marshfield Clinic Health System
 - PHI: Protected Health Information
- 2.2. Definitions
 - Patient: All references to the "patient" in this policy mean the patient or her/his Personal Representative as defined in the [Personal Representatives of Patients](#) policy.
 - Accountable Disclosure: Any disclosure of Protected Health Information about the patient made by MCHS or a business associate of MCHS on or after April 14, 2003, except for those disclosures listed below.

3. POLICY BODY

Purpose Statement: It is the policy of Marshfield Clinic Health System to provide the patient with an accounting (i.e., a list with the content specified in Section 3.3 below) of all Accountable Disclosures in accordance with this policy. It is also the policy of MCHS to direct all requests for an accounting to Health Information Management/Release of Information staff.

It is the purpose of this policy to establish guidelines to respond to an individual's right to request an accounting of disclosures of Protected Health Information made by MCHS.

3.1. Request for Accounting

- a. A patient must make a request for an accounting of all Accountable Disclosures in writing. All requests for an accounting must be directed to Health Information Management/Release of Medical Information staff. Health Information Management/Release of Medical Information staff will ask the patient to submit his/her request on an Accounting of Disclosures Release of Information Request form. If a patient makes an oral request for an accounting, Health Information Management/Release of Medical Information staff will inform him/her that such request must be made in writing. MCHS may refuse an oral request for an accounting on the basis that such request is oral and not written.

3.2. Types of Accountable Disclosures

- a. General Procedure. Upon receipt of a written request, MCHS will provide the requestor with an accounting of all Accountable Disclosures during the six (6) year period immediately prior to the date of the request for an accounting. MCHS will provide an accounting for a period of less than six (6) years only if the six (6) year period includes dates prior to April 14, 2003 or the request specifies a shorter period. Accountable disclosures include disclosures of Protected Health Information which were made by MCHS without written authorization under the following circumstances:
 - Required by Law. As required by law (e.g., mandated disease reporting or other mandated reporting);
 - Public Health Activities. To a public health authority that is authorized by law to collect information for the purpose of preventing or controlling disease, injury or disability;
 - Child Abuse Reporting. To a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect;
 - Other Abuse, Neglect or Domestic Violence Reporting. To a governmental authority authorized by law to receive reports of abuse, neglect or domestic violence under certain circumstances;
 - FDA Reporting. To a person subject to the jurisdiction of the Food and Drug Administration;

- Communicable Disease Exposure Notification. To a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if MCHS or the public health authority is authorized by law to notify such person as necessary in the conduct of a public health intervention or investigation;
- Employment-Related Disclosure. To an employer, about a patient who is a member of the workforce of the employer, in connection with medical surveillance of the workplace or to evaluate a work-related illness or injury;
- Health Oversight Activities. To a health oversight agency for oversight activities authorized by law, including audits; civil, administrative or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative or criminal proceedings or actions; or other activities necessary for appropriate oversight of: (i) the health care system; (ii) government benefit programs for which health information is relevant to beneficiary eligibility; (iii) entities subject to government regulatory programs for which health information is necessary for determining compliance with program standards; or (iv) entities subject to civil rights laws for which health information is necessary for determining compliance;
- Response to Legal Process. As required by a court order; court-ordered warrant; order of an administrative tribunal; subpoena or summons issued by a judicial officer; a grand jury subpoena; or similar process authorized under law;
- Wound or Injury Reporting. As required by law including laws that require the reporting of certain types of wounds or other physical injuries;
- Law Enforcement. To a law enforcement official either based on the official's request for Protected Health Information or on MCHS's own initiative, if authorized by law;
- Coroner or Medical Examiner. To a coroner or medical examiner to assist such official in authorized duties;
- Organ Procurement. To an organ procurement organization for organ, eye or tissue donation purposes;
- Research. Pursuant to a waiver of the authorization requirement for the disclosure of Protected Health Information for research purposes; for research related to deceased individuals; or to develop a research protocol or for other similar purposes preparatory to research.
- Threat to Health or Safety. To a third party to prevent serious threat to health or safety;
- Armed Forces Personnel. To appropriate U.S. or foreign military command authorities regarding an individual who is a member of U.S. or foreign armed forces;
- Protective Services. To authorized federal government officials for the provision of protective services to the President of the United States, foreign heads of state and certain other government officials and to conduct investigations related to such protective services; or

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- Catch-all. Under any other circumstances where Protected Health Information is disclosed to a third party and an exception to the accounting requirement is not available.
- b. Permissible Exceptions. MCHS is not required to provide a patient with an Accounting of Disclosures of Protected Health Information that were made for the following purposes:
 - To carry out Treatment, Payment, and Health Care Operations;
 - To the patient or his/her Personal Representative;
 - Incident to a use or disclosure otherwise permitted;
 - Pursuant to an authorization;
 - For a facility directory or to persons involved in the patient's care or for certain other notification purposes (e.g., disclosures in certain emergencies);
 - For national security or intelligence purposes;
 - To correctional institutions or law enforcement officials having lawful custody of an inmate or other individual;
 - As part of a limited data set; or
 - Any disclosure that occurred prior to April 14, 2003.
- c. Required Exceptions. MCHS must temporarily suspend a patient's right to receive an accounting of disclosures that were made to a health oversight agency or law enforcement official if the health oversight agency or law enforcement official informs MCHS that providing such an accounting to the patient would be reasonably likely to impede such agency's or official's activities. The terms and length of such suspension will be as follows:
 - Written Request. The length of time specified in a written request for a suspension that MCHS receives from the health oversight agency or law enforcement official.
 - Oral Request. Thirty (30) days from the date of the health oversight agency's or law enforcement agency's oral request for a suspension, unless MCHS receives a written request during such 30-day period, in which case MCHS will continue the suspension for the length of time specified in such written request. In the event that MCHS receives an oral request, it must document the occurrence of the request, including the identity of the agency or official making the request.

3.3. Content of the Accounting

- a. General Rule. MCHS must provide the patient with a written accounting that includes all of the following with respect to each Accountable Disclosure that was made by MCHS or any of its Business Associates during the accounting period (six years from the date of the patient's request (excluding dates prior to April 14, 2003), unless the patient requests a shorter time period):
 - The date of the disclosure;

- The name of the entity or person who received the Protected Health Information and, if known, the address of such entity or person;
 - A brief description of the Protected Health Information disclosed; and
 - One of the following, as applicable:
 - A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure; or
 - A copy of a written request for the Protected Health Information that was disclosed.
- b. Multiple Disclosures Exception. If, during the accounting period (six years from the date of request excluding dates prior to April 14, 2003, unless the patient requests an accounting for a shorter time period), MCHS has made multiple disclosures of Protected Health Information to the same person or entity for a single purpose, or by a request from the Secretary of Health and Human Services, the written accounting may, with respect to such multiple disclosures, contain the following:
- The information listed above in Section 3.3 with respect to the first disclosure during the accounting period;
 - The frequency, periodicity, or number of the disclosures made during the accounting period; and
 - The date of the last such disclosure during the accounting period.
- c. Research. If, during the accounting period, MCHS has made disclosures of Protected Health Information for a particular research purpose (and authorization has been waived for 50 or more individuals), the accounting may, with respect to such disclosures for which the Protected Health Information about the individual may have been included, 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 Protected Health Information that was disclosed;
 - 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;
 - The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and
 - 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.

- If MCHS provides an accounting for research disclosures in accordance with this policy, and if it is reasonably likely that the Protected Health Information of the patient was disclosed for such research protocol or activity, MCHS will, at the request of the patient, assist in contacting the entity that sponsored the research and the researcher.

3.4. Timing of Response to Patient's Request for Accounting

- a. Within sixty (60) days after MCHS's receipt of a written request for an accounting, MCHS must provide the patient one of the following:
 - A written accounting as described above; or
 - If MCHS is unable to provide the written accounting within sixty (60) days of receipt of the patient's written request, then a written statement of the reasons for the delay and the date by which MCHS will provide the accounting (which under no circumstance may be later than ninety (90) days from the date of receipt of the patient's initial written request).

3.5. Fee for Accounting

- a. MCHS will provide the first accounting to a patient in any twelve (12) month period without charge in connection with processing and producing the requested accounting. For each subsequent request for an accounting during such twelve (12) month period, MCHS will charge the patient for copying costs per page and clerical work necessary to complete the requested accounting. MCHS's policy regarding fees charged for an accounting is stated in the Accounting of Disclosures Release of Information Request. In the event that the patient did not submit a completed Accounting of Disclosures Release of Information Request to MCHS, MCHS will, prior to charging the patient any such fee, inform the patient of the fee and will provide the patient with an opportunity to withdraw or modify the request for such subsequent accounting in order to avoid or reduce the fee.

3.6. Documentation

- a. MCHS will retain Accounting of Disclosures Release of Information Requests and any other written correspondence to or from a patient regarding his/her right to request an accounting of disclosures created in accordance with this policy for the longer of six (6) years from the date of its creation or the last effective date of the relevant documents. All such documentation will be maintained by Health Information Management/Release of Information staff.

3.7. Responsible Personnel

- a. Receiving Requests. Health Information Management/Release of Medical Information staff is responsible for receiving requests for an accounting on behalf of MCHS in accordance with this policy.
- b. Processing Requests. Health Information Management/Release of Medical Information staff is responsible for processing, responding to, and documenting requests for an accounting on behalf of MCHS in accordance with this policy.

4. ADDITIONAL RESOURCES

4.1. References:

- HIPAA Regulations 45 CFR 164.528
- [Overview of Privacy Compliance Program](#)
- [Selected HIPAA Definitions](#)

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5. DOCUMENT HISTORY

Version No.	Revision Description
1.0	Policy #4465 converted to the new Document Control System
2.0	Annual review. Updated scope and MC to MCHS; added "of PHI" to policy name; and minor formatting changes.
3.0	Annual review. Updated logo and Scope. Updated scope, updated formatting, added last reviewed to header, removed logo, update author Updated Selected HIPAA Definitions link
4.0	Annual review. Minor formatting in Sections 3.2 and 3.3.c. No other changes.
5.0	Annual review. Change 6 to six in Section 3.3.b.
6.0	Annual review. No changes.
7-8	See version history
9.0	DCS Checklist, AO to republish

6. DOCUMENT PROPERTIES

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