MOREHOUSE MEDICAL ASSOCIATES

POLICY: ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION

SUBJECT: HEALTH INFORMATION MANAGEMENT

POLICY #: 0019

EFFECTIVE DATE: April 14, 2003

PURPOSE:

To establish Morehouse Medical Associates (MMA) policy to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) in providing an individual the right to receive an accounting of disclosures of his/her Protected Health Information (PHI) created by MMA.

ACCOUNTABILITY:

Under the direction of the Medical Director, the Health Information Management Supervisor shall be responsible for implementation of this policy.

DEFINITIONS:

Protected Health Information (PHI) means individually identifiable health information relating to the past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or past, present or future payment for health care provided to an individual.

POLICY:

I. General

A. In compliance with 45 Code of Federal Regulations (CFR) 164.528, an individual has a right to receive an accounting of disclosures of PHI from all covered entities including Morehouse Medical Associates. The individual's right to receive an accounting of disclosures is limited to disclosures made within the six years prior to the date of the request. In addition, no accountings are required for disclosures that occurred prior to April 14, 2003.

B. MMA must account for all disclosures of PHI, except for disclosures:

1. To carry out treatment, payment or health care operations;
2. For which a valid authorization was received:
3. To the individual about his or her own information;
4. To persons involved in the individual's care or other notification purposes permitted under law;
5. For national security or intelligence purposes; or
6. To correctional institutions or law enforcement officials, as permitted under law.

II. Accounting Requirements

A. The written accounting must include disclosures of PHI that occurred during the period requested by the individual (but not before April 14, 2003, and in any case no more than six years prior to the request), including disclosures to or by business associates.

B. The accounting for each disclosure must 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 PHI disclosed; and
4) A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis of the disclosure, or, a copy of the written request for the disclosure, if any.

C. For multiple disclosures of PHI made during the accounting period to the same person or entity for a single purpose, the accounting may provide the frequency, or number of disclosures made plus the date of the last such disclosure during the period.

III. Compliance Standards

A. 60 – Day Response Requirement. The individual's request for an accounting must be acted upon no later than 60 days after receipt of the request. If unable to provide the accounting, the individual must be given a written explanation for the delay and the date by which the accounting will be provided. The date may be no more than 90 days from the date of the request.

B. Fees. The first accounting in any 12-month period is free. For each subsequent request by an individual in any 12-month period, MMA will charge a fee. The individual will be informed of the fee on the Request for Accounting of Disclosures of Protected Health Information form (Exhibit I), and be given an opportunity to withdraw or modify the request.

IV. Documentation

A. MMA will retain a Log of the following documentation for six years:

1. The information required to be included in accountings regarding disclosures of PHI that are subject to accountings.
2. The written accounting itself that was provided to the requesting individual.
3. The titles of persons or offices responsible for receiving and processing requests for an accounting.

V. Suspension of Rights to Accounting of Disclosures

A. MMA must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or a law enforcement official, for the time specified by such agency or official, if such agency or official provides MMA with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities. The written statement must specify the time for which such a suspension is required.

B. If the statement from the agency or official is made orally, MMA must:

1. document the statement and identity of the agency or official making the statement.

2. temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and

3. limit the suspension to no longer than 30 days from the date of the oral statement. unless a written statement is provided during that time.

EXHIBIT (S)

I. REQUEST FOR ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION
II. Accounting of Disclosures– Listing

By Direction of the Dean: _____
Medical Director

Exhibit I

Morehouse Medical Associates (MMA)
REQUEST FOR ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION

Date of Request:_____

Patient Name **SSN#**
Last **First** **Middle**
Patient Address

Phone #: **(H)** **(W)** **DOB:**

Address to send Disclosure of Accounting (if different than above):
_____
_____

DATES REQUESTED:
I would like an accounting of all disclosures for the following time frame.
(Please Note: the maximum time frame that can be requested is six years prior to the date of the request. MMA is not required to account for disclosures that occurred before April 14, 2003).

From: _____ **To:** _____

FEES:
There is no charge for the first request for an accounting in a 12-month period. For subsequent requests in the same 12-month period, the charge is _____. I understand that there is (check one):

- ❑ No fee for this request
- ❑ A fee for this request in the amount of_____ , and I wish to proceed.

RESPONSE TIME:
I also understand that the accounting I have requested will be provided to me within 60 days unless I am notified in writing that an extension of up to 30 days is needed.

_____
Signature of Patient or Legal Representative

For MMA Use Only: **MRN**_____
Date Received:_____ **Date Accounting Sent**_____

Extension Requested: ____**No** ___**Yes, Reason:** _____

_____

Patient Notified in writing on this date: _____

Staff Member Processing Request _____
(Print Name & Job Title)_____

Exhibit II
Accounting of Disclosures LISTING

Accounting of Disclosure Exceptions

These are the exceptions as stated in 164.528(a)
To carry out treatment, payment and health care operations as provided in § 164.506;
To individuals of protected health information about them as provided in § 164.502;
Pursuant to an authorization as provided in § 164.508;
For the facility's directory or to persons involved in the individual's care or other notification purposes as provided in § 164.510;
For national security or intelligence purposes as provided in § 164.512(k)(2);
To correctional institutions or law enforcement officials as provided in § 164.512(k)(5);
That occurred prior to the compliance date for the covered entity;
Incidental Disclosures § 164.502;
As part of a Limited Data Set (LDS) § 164.514(e).

Potential Areas where Accounting of Disclosures Applies

Public Health Authorities
-Surveillance
-Investigations
-Interventions
-Foreign governments collaborating w/US public health authorities
-Recording births
-Recording deaths
-Child abuse
-Elder abuse
-Prevent serious harm
-Communicable disease

Food and Drug Administration
-Adverse events, product defects or biological product deviations
-Track products
-Enable product recalls repairs or replacements
-Conduct post marketing surveillance
-Manufactures of defective products

Employer
-To employer requesting healthcare be provided to their employee
-Medical surveillance
-Work related injury or illness
-OSHA or similar state law

Health Oversight
-Government benefit program
-Compliance
-Civil rights laws
-Trauma registry
-Tumor registry
-Vital statistics

Judicial and Administrative Proceedings
-Court order
-Subpoena

Law Enforcement
-As required by law

-Court order, court ordered warrant, subpoena or summons
-Administrative request
-Locating a suspect, fugitive, material witness or missing person
-Emergency treatment, crime is elsewhere
-Victims of crime
-Crimes on premises
-Suspicious deaths
-Avert a serious threat to health or safety

Deceased Persons
-Coroner or Medical Examiner
-Funeral Directors
-Organ Procurement

Research (w/o authorizations)
-Multiple research disclosures that includes providing a description of the research for which an individual's protected health information may have been disclosed and contact information.

Specialized Government Functions
-Military and Veterans activities
-Protective services
-Department of State: medical suitability
-Government programs providing public benefits
-Foreign military personnel

Worker's Compensation
-Comply w/existing laws (see state law)

State Health Data Commission (unless operations)

U.S. Embassies

Contractors/Business Associates (if not for Treatment/Payment/Operations (TPO)

Vendors (if not for TPO)