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Revised Date: 5/31/13
Review Date: 6/13/13

North Sound Mental Health Administration

Section 2500 – Privacy: Right to an Accounting of Disclosures

Authorizing Source: RCW 70.02; 45 CFR 165 (HIPAA)

Cancels:

See Also:

Providers must have own “HIPAA & WAC compliant policy”

Responsible Staff: Privacy Officer

Approved by: Executive Director

Signature:

Date: 7/17/2013

POLICY #2516.00

SUBJECT: RIGHT TO AN ACCOUNTING OF DISCLOSURES

PURPOSE

The North Sound Mental Health Administration (NSMHA), in compliance with the Privacy Rules of Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification provisions, sets out in this policy the process for providing consumers with an opportunity to receive an accounting of the disclosures made of their Protected Health Information (PHI).

POLICY

NSMHA will consider all requests from consumers, or former consumers, to receive an accounting of certain disclosures of their PHI that have occurred in the six year period prior to their request, or from the effective date of the Privacy Rule, whichever is shorter. We will require that all requests for an accounting be in writing using the “Request for Accounting” form. (Should a consumer need assistance in completing the form, we will provide that assistance.) We will notify our consumers of our policies for requesting an accounting in our Privacy Notice.

It will be our policy to respond to requests for an accounting within 60 days from the date of the request. Should we, in rare circumstances, be unable to respond within 60 days, we will notify the individual, in writing during the initial 60-day period, and provide them with the reason(s) that we need additional time and give them the date (no more than 30 days beyond the original 60 days) by which we expect to complete action on their request.

NSMHA must, at a minimum, document and track disclosures of PHI from consumer records made without consumer authorization by NSMHA and its Business Associates after April 14, 2003 as a part of:

1. Information released under a subpoena or order issued by an administrative law or court judge.
2. Records sent to law enforcement for alleged abuse or neglect.
3. Records disclosed for research purposes.
4. Reporting of diseases, injuries, disabilities and vital events to public health authorities or others allowed to receive this information.

We will account for all uses and disclosures of our consumers’ PHI, except for those in the following categories:

1. Disclosures made to individuals of PHI about them;
2. Disclosures made to carry out treatment, payment, or health care operations (this includes disclosures made by Business Associates for these purposes as well);

3. Disclosures made for facility directory purposes and those made to persons involved in the consumer's care (relatives and/or friends), as set forth in the "Opportunity to Agree or Object" Policy;
4. Disclosures made pursuant to an authorization;
5. Disclosures for national security or intelligence purposes;
6. Disclosures to correctional institutions or law enforcement officials when the consumer is an inmate;
7. Incident to a use of disclosure otherwise permitted or required;
8. As a part of a limited data set;
9. That occurred prior to the compliance date of April 14, 2003; and
10. For disclosures to the Secretary of Department of Health and Human Services (DHHS) for compliance purposes and for any other disclosures allowed to be made without the individual's permission.

In those situations where we have made disclosures to a health oversight or law enforcement agency as permitted, and the agency has provided us with a written statement that inclusion of such disclosures would be reasonably likely to impede with their activities, and the agency has provided a specific time period, our policy will be to exclude those disclosures from any accounting requested by the subject consumer. At the end of that period, our policy will be to include any disclosures made to the agency during that period in any future accountings.

Should the health oversight or law enforcement agency provide us with an oral statement that a disclosure would be reasonably likely to impede their activities, our policy will be to withhold disclosures for a 30 day period after which we will include the disclosures in requested accountings unless a written statement requesting a longer time period has been provided during the 30 day period.

Our policy will be to include the following items in every accounting:

1. The date of the disclosure;
2. The name and address of the person or organization receiving the PHI;
3. A brief description of the PHI disclosed; and
4. A brief statement that reasonably informs the consumer of the purpose for the disclosure or in lieu of such statement a copy of a written request for a disclosure.

Our policy with respect to multiple disclosures of a consumer's PHI to the same person or entity for the same purpose will be to present all of the information listed above for the first disclosure in the accounting period. In addition, we will present the frequency, periodicity, or number of disclosures made during the accounting period and the date of the most recent disclosure.

If during the period covered by the accounting, NSMHA has made disclosures of PHI for a particular research purpose in accordance with § 164.512(i) for 50 or more people, the accounting may, with respect to such disclosures for which the PHI about the individual may have been included, provide:

1. The name of the protocol or other research activity;
2. 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;
3. A brief description of the type of PHI that was disclosed;

4. 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;
5. The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and
6. A statement that the PHI of the individual may or may not have been disclosed for a particular protocol or other research activity.

If NSMHA provides an accounting for research disclosures, and if it is reasonably likely that the PHI of the individual was disclosed for such research protocol or activity, NSMHA shall, at the request of the individual, assist in contacting the entity that sponsored the research and the researcher.

It will be our policy to provide the first accounting in each 12-month period, beginning with the consumer's first request for an accounting, at no charge. Any additional request for an accounting from the same consumer during their 12 month period will be made subject to the consumer's agreement to pay a reasonable, cost-based fee for the additional accounting. Our policy will be to inform the consumer of the fee on the "Request for Accounting" form and obtain their written agreement to pay the fee prior to preparing the accounting. We will offer the consumer an opportunity to withdraw or modify their request in order to avoid or reduce the fee.

Documentation retention requirements include:

1. Policies and procedures for individuals right to an accounting of disclosures of PHI
2. Accounting Request Form
3. Copies of accountings provided
4. Titles of persons responsible for receiving and processing accounting requests

Other policies and procedures to review that are related to this policy:

1. The Designated Record Set
2. No Permission
3. Agree or Object
4. Administrative requirements – documentation retention

ATTACHMENTS

2516.01 – Procedure 2516-A

2516.02 – Form 2516-A