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North Sound Behavioral Health Organization

Section 2500 – Privacy: Right to an Accounting of Disclosures

Authorizing Source: 45 CFR 164.528 (HIPAA); 45 CFR Part 2 (Part 2); RCW 70.02

Cancels:

Approved by: Board of Directors

See Also:

Motion #: 03-013

Date: 4/14/2003

Responsible Staff: Privacy Officer

Executive Director's Signature:

Date: 3/6/2018

POLICY #2516.00

SUBJECT: RIGHT TO AN ACCOUNTING OF DISCLOSURES

PURPOSE

In compliance with Health Insurance Portability and Accountability Act (HIPAA), Part 2 and Washington law, this policy sets out the process for providing Individuals with an opportunity to receive an accounting of the disclosures made of Protected Health Information (PHI) about them, subject to certain exceptions.

Capitalized terms in this policy have specific meanings. Definitions under this policy include Authorized Representative, Business Associate, Designated Record Set, Health Care Operations, Individual, Law Enforcement Officials, Limited Data Set, Part 2 Information, Payment, PHI, Qualified Service Organization (QSO), Research, Treatment and Workforce. See Policy 2502.00: Definitions for Policies Governing PHI.

POLICY

North Sound Behavioral Health Organization (North Sound BHO) will consider all requests from Individuals or from Authorized Representatives on behalf of those Individuals (the Requestors) to receive and will provide as appropriate, accountings of certain disclosures of PHI, subject to certain exceptions.

PROCEDURES

1. **Tracking Disclosures.** North Sound BHO will track disclosures of PHI that are required to be in an accounting. These disclosures include, but are not limited to:
 - 1.1 Information released under a subpoena or order issued by an administrative law or court judge;
 - 1.2 Records sent to Law Enforcement Officials for alleged abuse or neglect;
 - 1.3 Records disclosed for Research purposes;
 - 1.4 Reporting of diseases, injuries, disabilities and vital events to public health authorities or others permitted to receive this information; or
 - 1.5 Disclosures by a Business Associate/QSO that are required to be included in an accounting.

2. **Requests.** All requests for an accounting of disclosures must be in writing. The Requestor must submit the request for an accounting in writing to the Privacy Officer. North Sound BHO prefers the use of its Accounting of Disclosure Request Form <http://northsoundbho.org/Forms> but will accept any written requests that provide sufficient information to address the request. North Sound BHO will provide any Requestor assistance in completing the form, as needed. Workforce shall direct any Requestor requesting an accounting of disclosure to the Privacy Officer.
3. **Processing Requests**
 - 3.1 **Verification.** The Privacy Officer or his or her designee, will verify the identity of the Requestor as either the Individual or the Individual's Authorized Representative. See Policy 2524.00: Verification of Identity.
 - 3.2 **Response.** The Privacy Officer will review each request for an accounting of disclosures and take one (1) of the following actions:
 - 3.2.1 Grant the request for an accounting; or
 - 3.2.2 Deny the request for an accounting.
4. **Provision of Accounting.** When a request is granted, North Sound BHO will provide an accounting of all disclosures except those disclosures identified below:
 - 4.1 **Excluded Disclosures.** North Sound BHO will provide an accounting of disclosures of PHI, except for disclosures in the following categories:
 - 4.1.1 To Individuals of PHI about them as a part of their right to access of PHI;
 - 4.1.2 To carry out Treatment, Payment, or Health Care Operations for PHI;
 - 4.1.3 To persons involved in the Individual's care (such as immediate family members or close friends), as set forth in Policy 2511.00: Opportunity to Agree or Object;
 - 4.1.4 Pursuant to an authorization;
 - 4.1.5 For national security or intelligence purposes;
 - 4.1.6 To correctional institutions or Law Enforcement Officials when the Individual is an inmate;
 - 4.1.7 Incident to a use or disclosure otherwise permitted or required (e.g., an incidental disclosure); and
 - 4.1.8 As a part of a Limited Data Set.
 - 4.2 **Temporary Exclusions.** In situations when North Sound BHO has made disclosures to a health oversight or law enforcement agency as permitted and the agency has provided North Sound BHO with a written statement that inclusion of the disclosures would be reasonably likely to impede the agency's activities and the agency has provided a specific time-period, North Sound BHO will exclude those disclosures from any accounting requested by the Requestor.

- 4.3 At the end of that period, North Sound BHO will include any disclosures made to the agency during that period in any future accountings.

Should the health oversight or law enforcement agency provide North Sound BHO with an oral statement that a disclosure would be reasonably likely to impede the agency's activities, North Sound BHO will document the request, including the name of the Requestor and will withhold disclosures for 30-day period, unless a written statement requesting a longer time-period has been provided during the 30-day period. At the end of that period, North Sound BHO will include the disclosures in requested accountings.

5. Content of Accounting of Disclosures

- 5.1 **Required Content.** Subject to Sections 5.2 and 5.3 of this policy, North Sound BHO will include the following content in an accounting of disclosures:

- 5.1.1 The date of the disclosure;
- 5.1.2 The name and address of the person or organization receiving the PHI;
- 5.1.3 A brief description of the PHI disclosed; and
- 5.1.4 A brief statement that reasonably informs the Individual of the purpose for the disclosure or in lieu of a statement a copy of a written request for a disclosure.

- 5.2 **Multiple Disclosures.** With respect to multiple disclosures of PHI to the same person or entity for the same purpose, North Sound BHO will present all the information listed above for the first disclosure in the accounting period. In addition, North Sound BHO will present the frequency, periodicity, or number of disclosures made during the accounting period and the date of the most recent disclosure.

- 5.3 **Research.** If during the period covered by the accounting, North Sound BHO has made disclosures of PHI for a particular Research purpose, without an authorization, in accordance with HIPAA for 50 or more people, the accounting with respect to these disclosures may provide the content described below. If North Sound BHO provides an accounting for Research disclosures and if it is reasonably likely the PHI of the Individual was disclosed for the Research protocol or activity, North Sound BHO at the request of the Individual, shall assist in contacting the entity that sponsored the Research and the researcher.

- 5.3.1 The name of the protocol or other Research activity;
- 5.3.2 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;
- 5.3.3 A brief description of the type of PHI that was disclosed;

- 5.3.4 The date or period of time during which the disclosures occurred or may have occurred, including the date of the last disclosure during the accounting period;
- 5.3.5 The name, address and telephone number of the entity that sponsored the Research and the researcher to whom the information was disclosed; and
- 5.3.6 A statement the PHI of the Individual may or may not have been disclosed for a particular protocol or other Research activity.

6. **Special Accounting of Disclosures for Part 2 Information.** Upon request, Individuals who have authorized the disclosure of Part 2 Information using a general designation for the participants of a recipient, must be provided a list of entities to which their information has been disclosed under the general designation. This list is limited to disclosures in the previous 2 years. The recipient entity must respond to the request in writing within 30 days and provide, for each disclosure, the name of the entities to which the disclosure was made, the date of this disclosure and a brief description of the Part 2 Information disclosed. North Sound BHO generally will not be responsible for this accounting.

7. **Timing**

- 7.1 **General PHI.** North Sound BHO will respond to requests for an accounting of disclosures of PHI that is not Part 2 Information within 60 days from the date of the request.
- 7.2 **Delay.** Should North Sound BHO, in rare circumstances, be unable to respond within 60 days, North Sound BHO will notify the Individual in writing during the initial 60-day period and provide the Individual with the reasons the North Sound BHO needs additional time and give the Individual the date (which shall be no more than 30 days beyond the original 60 days) by which North Sound BHO expect to complete action on their request.
- 7.3 **Part 2 Information.** For all requests for an accounting of disclosures of Part 2 Information, North Sound BHO shall respond within 30 days.

8. **Fees**

North Sound BHO will provide the first accounting in each 12-month period, beginning with the Requestor's first request for an accounting, at no charge. Any additional request for an accounting from the same Requestor during the same 12-month period will be made subject to the Requestor's agreement to pay a reasonable, cost-based fee for the additional accounting. North Sound BHO will inform the Requestor of the fee and obtain the written agreement to pay the fee prior to preparing the accounting. North Sound BHO will offer the Requestor an opportunity to withdraw or modify the request to avoid or reduce the fee.

9. **Notice of Privacy Practices.** North Sound BHO will notify Individuals of their right to receive an accounting of disclosures through its notice of privacy practices. See Policy 2510.00: Notice of Privacy Practices.

10. **Retention of Documentation.** Documentation relating to accounting of disclosures shall be retained at least six (6) years. Retention requirements include:
 - 10.1 **Policies and procedures for accounting of disclosures;**
 - 10.2 **Requests for accountings of disclosures; and**
 - 10.3 **Responses to requests.**

11. **Related Policies.** Other policies and procedures to review that are related to this policy:
 - 11.1 **Policy 2501.00: Privacy and Confidentiality;**
 - 11.2 **Policy 2502.00: Definitions for Policies Governing PHI;**
 - 11.3 **Policy 2503.00: De-Identification and Limited Data Sets;**
 - 11.4 **Policy 2510.00: Notice of Privacy Practices;**
 - 11.5 **Policy 2511.00: Opportunity to Agree or Object;**
 - 11.6 **Policy 2513.00: Research;**
 - 11.7 **Policy 2521.00: Authorization;**
 - 11.8 **Policy 2522.00: Uses and Disclosures of PHI; and**
 - 11.9 **Policy 2524.00: Verification of Identity.**

ATTACHMENTS

None