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**PROCEDURE 2516-A****Completing a Protected Health Information (PHI) Disclosure Form**

Disclosures of PHI that need to be accounted for may be made by multiple departments in the organization and by outside Business Associates. In order to organize and keep this information up to date, the attached form, "PHI Disclosure to be Included in Consumer's Accounting," will be completed each time there is a disclosure of the type listed in this policy.

1. The only exceptions to this are as follows:
  - a. Information disclosed electronically from an electronic database, consumer medical record, or billing record where a system exists for recording and accounting for the disclosure, including the date, to whom the disclosure is made, and for what purpose do not need to be recorded separately on the above form.
  - b. Business Associates who are permitted to make disclosures on behalf of the Chief Executive Officer do not need to complete a form for each disclosure, but must have an internal system for accounting for disclosures that are contained in the Business Associate Agreement as an addendum with a description of the procedure and updated as necessary.
2. If you are uncertain about whether or not a form needs to be completed, call the Privacy Officer or complete a form just in case.
3. The form, once completed, should be placed in the administrative section of the file, behind all authorization forms, in date order, with the most recent form on top.

**Requests for Accounting**

1. If a consumer, or his or her healthcare representative, requests an accounting, they should complete the attached "Request for Accounting" form. In those cases where the consumer is not willing or able to do so, the staff should complete the form and ask them to sign it indicating that they have been informed of costs, etc.
2. The form should be sent immediately to the Privacy Officer. This is especially important because the North Sound Mental Health Administration (NSMHA) must provide the accounting within the required deadline of 60 days from the date of the request. Remember that some information needed for the accounting may be in archived records or be held by business associates.

**Completing an Accounting**

1. The Privacy Officer, upon receiving the Request for Disclosure form, will request (these activities may be delegated):
  - a. The consumer's medical record, or copies of all "PHI Disclosure to be Included in Consumer's Accounting" forms for the appropriate dates located in the consumer's medical record.
  - b. The accountings located in any electronic database of the organization.
  - c. An accounting from any relevant business associate.

2. Once the material has been gathered, the Privacy Officer will review each disclosure to determine if it is appropriate to include it in the accounting period. For example:
  - a. Does each disclosure meet the requirements for a disclosure that must be accounted for?
  - b. Is the disclosure to a health oversight or law enforcement agency, and have they restricted any accounting to the consumer? See also below under “Disclosures Made to Law Enforcement or Health Oversight Agencies.”
  - c. Is all required information available?
3. The Privacy Officer will then list the disclosures of PHI in writing in date order, including the date of the disclosure, name of the person and organization to whom the information was disclosed, a short summary of the information that was disclosed, and a short summary of the purpose of each disclosure. An exception to this is as follows:

Multiple disclosures made to the same person or organization for the same purpose will be accounted for with one complete entry for the first disclosure and a summary that includes the frequency or actual numbers of disclosures in the time period requested by the consumer and the date of the most recent disclosure.
4. The accounting will be delivered to the consumer in person or sent by mail.
  - a. No fee will be charged for the first accounting in a 12-month period.
  - b. For the second and subsequent requests for an accounting in a 12 month period, the consumer will be asked to sign the additional paragraph at the bottom of the “Request For Accounting” form indicating that they understand they will be charged, and will be responsible for paying, a reasonable cost-based fee for this service, and provide an opportunity to withdraw or modify the request to avoid or reduce the fee.
  - c. The Privacy Officer will reserve the right subject to applicable rules to request that the appropriate staff person collect the fee from the consumer prior to handing over the accounting or to hold the accounting from mail until the fee has been paid.
5. In all cases, every effort shall be made to complete and deliver the accounting to the consumer within 60 days from the date of the request. If this is not possible, the Privacy Officer shall send a written notice to the consumer, within the 60 day period, stating that:
  - a. There will be a delay
  - b. The reason for the delay
  - c. The date the accounting is expected to be completed for delivery or for mailing. (In no case can this date be more than 30 days from the date the accounting was originally due.)

### **Disclosures Made to Health Oversight or Law Enforcement Agencies**

If a disclosure is made to a health oversight or law enforcement agency in accordance with the “No Permission” Policy, the following procedures for accounting for this disclosure will apply:

1. If the health oversight or law enforcement agency makes an oral request to withhold the disclosure, this will be noted on the “PHI Disclosure to be Included in Consumer’s Accounting” form as follows:

- a. Date of request
  - b. Name of the agency requesting the withhold
  - c. Name of the agency representative requesting the withhold
  - d. Contact phone number for the agency representative
2. The person who receives the request for withhold is responsible for documenting the above on the form.
  3. The person who receives the request for the withhold must inform the agency representative that the oral request will be honored for 30 days only and that any further withhold requires a written request.
  4. If the health oversight or law enforcement agency requests a withholding of accounting in writing, the request will be stapled to the “PHI Disclosure to be Included in Consumer’s Accounting” form and will be included as an attachment to any copy of the form requested by the Privacy Officer or other person delegated to assist with compliance with this policy and procedure.