**PURPOSE**

To describe (i) a patient’s right to receive an accounting of the disclosures of their PHI; (ii) [COVERED ENTITY]’s obligation to account for known disclosures of a patient’s Protected Health Information (“PHI”); and (iii) the procedure for responding to a patient request for an accounting of disclosures made by [COVERED ENTITY].

**POLICY**

Subject to certain exceptions, [COVERED ENTITY] must account for all known disclosures of a patient’s PHI outside [COVERED ENTITY]. Each patient may request and receive an accounting of trackable disclosures of PHI made by [COVERED ENTITY]. [COVERED ENTITY] will provide such an accounting, in accordance with the HIPAA Privacy Rule, when requested by a patient or a patient’s personal representative.

**PROCEDURE**

1. Disclosures for Which an Accounting is not Required. An accounting is not required for disclosures:
	1. Made to carry out treatment, payment, or healthcare operations;
	2. To the patient or the patient’s personal representative;
	3. That are incidental to a use or disclosure otherwise permitted or required by HIPAA;
	4. Made to persons involved in a patient’s care or as part of an inpatient directory;
	5. Pursuant to an authorization for release of information signed by the patient or patient’s personal representative;
	6. For national security or intelligence purposes;
	7. To correctional institutions or law enforcement officials under certain circumstances;
	8. Made as part of a limited data set, when the recipient has executed a data use agreement;
	9. For research, public health, or certain health care operations purposes; or
	10. That occurred prior to April 14, 2003.
2. Disclosures for Which an Accounting is Required. An accounting is required if the disclosure is made without an authorization and is:
	1. In response to a subpoena or other judicial or administrative proceeding if not accompanied by a patient authorization;
	2. For public health activities, including reports of vital events, public health surveillance, and investigations; communicable disease; adult and child abuse, neglect, or domestic violence; information associated with an FDA-regulated product or activity; and disclosures to an employer to conduct an evaluation relating to medical surveillance of the workplace or to evaluate whether the individual has a work-related illness or injury (and in addition, the employer needs such information to comply with federal or state law, and notice has been given to the individual at the time care is provided or there is a notice at the work site;
	3. For health oversight activities or law enforcement purposes unless the health oversight or law enforcement agency has provided an official statement to temporarily suspend the individual’s right to receive an accounting for a specified period of time during which such an accounting would impede the agency’s activities;
	4. To coroners, medical examiners, funeral directors, and for cadaveric organ donation purposes;
	5. To avert a serious threat to health or safety and for specialized government functions except national security and intelligence activities and correctional institutions or other law enforcement custodial situations;
	6. For workers’ compensation purposes pertaining to treatment of potential work-related injuries;
	7. For research purposes on decedents;
	8. For research purposes if a waiver of authorization has been obtained from an IRB;
	9. In error as a result of a misdirected fax, e-mail, postal mail, etc.; and
	10. By a Business Associate who has notified [COVERED ENTITY] of the disclosure event.
3. Temporary Suspension of Right to an Accounting. [COVERED ENTITY] must temporarily suspend an individual’s right to receive an accounting of disclosures to a health oversight agency or law enforcement official for the time specified by such agency or official, if such agency or official provides [COVERED ENTITY] with a written statement that such an accounting to the individual would be reasonably likely to impede the agency’s activities and specifying the time for which such a suspension is required.
	1. If the agency or official statement is made orally, the covered entity must: (i) document the statement, including the identity of the agency or official making the statement; (ii) temporarily suspend the individual’s right to an accounting of disclosures subject to the statement; and (iii) limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement is submitted during that time.
4. Procedure for Tracking Disclosures. [COVERED ENTITY] must log disclosures as they occur in the Accounting of Disclosures Log. The Log is filed in the patient’s paper or electronic medical record.
5. Procedure for Making and Responding to Requests for an Accounting of Disclosures.
	1. A patient or a patient’s personal representative must request an accounting by completing and submitting a Request for an Accounting of Disclosures of PHI form.
	2. [COVERED ENTITY]’s Privacy Official will review and process the request.
	3. [COVERED ENTITY] will provide a written accounting using an Accounting of Disclosures Log no later than 60 days after receipt. If [COVERED ENTITY] is unable to meet the 60-day time frame, [COVERED ENTITY] may extend the time once by no more than 30 days as long as the individual is provided with a written statement of the reasons for the delay and the date by which [COVERED ENTITY] will provide the accounting.
	4. The accounting will include disclosures during the period specified by the patient or personal representative in the request. The specified period may be up to six years prior to the date of the request. Disclosures made on or before April 13, 2003 will not be included in the accounting.
	5. [COVERED ENTITY] will include known disclosures made by its Business Associates, if aware of any such disclosures required to be included in an accounting.
	6. For each disclosure, the accounting will include:
		1. Date the request for disclosure was received;
		2. Name of entity requesting disclosure and, if known, the address of such person or entity;
		3. A brief description of the PHI that was disclosed; and
		4. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure.
6. Multiple Disclosures to HHS. If, during the relevant accounting period, multiple disclosures of the patient’s PHI have been made to HHS for the purpose of determining [COVERED ENTITY]’s compliance with the Privacy Rule or to the same person or entity for a single purpose, and the purpose of the disclosure is any one of the following, then the Accounting for Disclosures Log may provide: (1) for the first such disclosure, the date of the disclosure, the name and address of the organization or person to whom the disclosure was made, a brief description of the PHI disclosed and the purpose of the disclosure, and (2) the frequency, periodicity or number of additional disclosures made during the accounting period.
7. Research Purposes Involving 50 or More Individuals. For disclosures of PHI for research purposes in a project consisting of 50 or more individuals, the accounting may provide:
	1. Name of protocol or other research activity;
	2. Description and purpose of research, criteria for selecting particular records;
	3. Brief description of the type of PHI disclosed;
	4. Date or period of time during which disclosure(s) occurred, including date of last disclosure during accounting period;
	5. Name, address, telephone number of entity that sponsored the research and of the researcher to whom the information was disclosed;
	6. Statement that PHI of the patient may or may not have been disclosed for a particular protocol or the research activity.
8. [COVERED ENTITY] will provide the first accounting to a patient or personal representative within a 12-month period without charge. However, [COVERED ENTITY] may impose a reasonable, cost-based fee for each subsequent request for an accounting by the same party within the 12-month period, provided [COVERED ENTITY] has informed the requesting party of the charges in advance, giving the party the opportunity to withdraw or modify the request.
9. [COVERED ENTITY] must document and retain for six years from the date of the accounting:
	1. The information required to be included in the accounting, and
	2. The written accounting provided to the requesting party.

**REQUEST FOR AN ACCOUNTING OF DISCLOSURES**

**OF PROTECTED HEALTH INFORMATION**

Patient’s Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Medical Record Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I would like an accounting of disclosures of my Protected Health Information (PHI) made from: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I understand that the first accounting in any 12 month period will be provided without charge.

I understand that [COVERED ENTITY] may impose a reasonable, cost-based fee for each subsequent request for an accounting made within the 12 month period, provided [COVERED ENTITY] provides advance notice of the fee and an opportunity to withdraw or modify the request for a subsequent accounting.

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

I understand that, by law, [COVERED ENTITY] is not required to account for disclosures that occurred prior to April 13, 2003.

I understand that, by law, [COVERED ENTITY] is not required to account for disclosures that were:

* Made to me;
* Necessary to carry out treatment, payment, and health care operations;
* Pursuant to a signed authorization by me or my personal representative;
* For [COVERED ENTITY]’s directory or to persons involved in the patient’s care or other notification purposes;
* For national security or intelligence purposes; or
* To a correctional institution or law enforcement official.

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Signature of Patient or Personal representative Date

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Signature of Privacy Officer Date