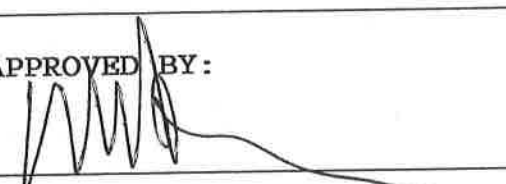


COUNTY OF IMPERIAL
DEPARTMENT OF BEHAVIORAL HEALTH SERVICES

POLICY AND PROCEDURE MANUAL

SUBJECT: Accounting of Disclosures of Protected Health Information	PROCEDURE: 01-15
SECTION: Administration	EFFECTIVE DATE: 4-14-03
REFERENCE: 45 C.F.R. Section 164.528	PAGE: 1 of 12
AUTHORITY: Behavioral Health Director as the Local Mental Health Director and Alcohol and Drug Administrator	SUPERSEDES: New Procedure
	APPROVED BY: 

PURPOSE: To establish a procedure for tracking those disclosures which are required to be included in the accounting of disclosures, which must be provided to the individual upon request.

SCOPE: The information in this document applies to all members of the workforce which includes employees, contract employees, volunteers, and trainees, etc., granted access to protected health information (PHI).

NOTES: Section 164.528 of the HIPAA Privacy Rule gives individuals the right to an accounting of how their PHI has been disclosed outside the department over the six years prior to their request (although an individual may request it for a shorter period. California law has no such provision.

DEFINITIONS: Accounting of Disclosures: A report to an individual made upon their request providing information about the disclosures (for which HIPAA requires an accounting) of the individuals protected health information that a covered entity has made.

Designated Record Set: A group of records maintained by or for ICBHS that includes medical, billing, enrollment, payment, claims adjudication, and other records used to make a decision about an Individual.

Disclosure: The release, transfer, provision of access to, or divulgence in any other manner, of information to any organization external to ICBHS.

HIPAA: Health Insurance Portability and Accountability Act. The federal law passed in 1996 that provides national standards for health information.

Individual: Under HIPAA, individual means the person who is the subject of PHI. In this procedure, the term "client" is used to refer to the individual.

Protected Health Information (PHI): Individually identifiable information relating to past, present, or future physical or mental health condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual transmitted or maintained in any form or medium including oral, written, or electronic communication.

Workforce: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. In this procedure, the term "employee" is used to refer to the workforce.

PROCEDURE:

PERSON RESPONSIBLE

ACTION:

Client/Personal Representative

1. Contacts ICBHS to request an accounting of disclosures.

Caution: Do not disclose any PHI to the person requesting an amendment without first verifying the identity and authority to receive the PHI. In some cases, disclosure of PHI may occur simply by confirming that the individual is a client of ICBHS.

ICBHS Employee

2. Responds to the request for an accounting of disclosures as follows:
 - a. If the identity and authority of the requestor is known,

ICBHS Employee (cont.)

responds to oral requests by:

- 1) Stating that the requests must be in writing.
- 2) Providing/sending the requestor a **Request For An Accounting Of Disclosures/Solicitud De Informe De Divulgaciones** form.
- 3) Explaining that the form must be completed, signed, and turned into the team center or sent to the privacy officer.
 - a) If the Request For An Accounting Of Disclosures/Solicitud De Informe De Divulgaciones form is received at the team center, date stamps the form the date of receipt and forwards it to the privacy officer. Go to step 3.
 - b. If the identity and authority of the requestor is known, responds to a written request by forwarding the Request For An Accounting Of Disclosures/Solicitud De Informe De Divulgaciones form to the privacy officer.
 - c. If the identity and authority of the requestor is not known, responds to the request by either following Procedure 01-16, Verification of Identity and Authority, or by responding to the request without disclosing any PHI.

Privacy Officer

3. Upon receipt of a written request for an accounting of disclosures:

Privacy Officer (cont.)

Note: If the written request is received directly from the requestor, date stamps the form the date of receipt.

- a. Reviews the Request For An Accounting Of Disclosures/ Solicitud De Informe De Divulgaciones form for completeness.
 - 1) If the form is complete, and received from a team center go to step 3. If the request was received directly from the requestor go to step "b"
 - 2) If the form is not complete, completes a Response To A Request For An Accounting Of Disclosure/ Respuesta A La Solicitud De Informe De Divulgaciones form, indicating that additional information and returns it to the requestor.
- b. Verifies the identity and authority of the individual to receive the PHI;

Caution: You may only disclose PHI if you: (1) know the identity and authority of the person to receive PHI; or (2) you first follow the steps in procedure 01-16, Verification of Identity and Authority.

4. Records the date request was received and the response deadline in the Accounting Request Log.

Privacy Officer (cont.)

Note: ICBHS must act on the request no later than sixty (60) days of receipt of the request by either:

- a. Providing the individual with the accounting; or,
- b. Communicating to the individual the reasons why the accounting will not be prepared within 60 days, on a Response To A Request For An Accounting Of Disclosures/ Respuesta A La Solicitud De Informe De Divulgaciones form identifying the date by which action on the request will be completed. The expected completion date may not be more than 30 days beyond the original 60-day period. Only one such extension is permitted per request.

5. Verifies the status of the client in the MIS.
 - a. If the client is active, forwards the canary copy of the Request For An Accounting Of Disclosures/ Solicitud De Informe De Divulgaciones form to the program supervisor. Go to step 6.
 - b. If the case is discharged, forwards the canary copy of the Request For An Accounting Of Disclosures/ Solicitud De Informe De Divulgaciones form to the Medical Records Unit supervisor. Go to step 6.

Program Supervisor/
Medical Records Unit
Supervisor

6. Reviews the chart and determines if there is a temporary suspension of the individual's right to an accounting in effect.
 - a. If no, go to step 8.
 - b. If yes, promptly notifies the privacy officer. This is the end of the procedure.

Privacy Officer

7. Upon notification that there is a temporary suspension of the individual's right to receive an accounting, completes the Response To A Request For An Accounting Of Disclosures/ Respuesta A La Solicitud De Informe De Divulgaciones form and routes as follows:

Original: Individual
Canary : Chart
Pink : Retains in file

8. If there is no temporary suspension, contacts business associate(s) (if any) that may have made disclosures of PHI about the individual subject to an accounting and requests a copy of the **Business Associate Accounting Of Disclosure Log** and the **Business Associates Research Disclosure Log** (if any) within 30 days.

Program Supervisor/
Medical Records Unit
Supervisor

9. Reviews the chart to determine if an accountable disclosure has been documented on the Accounting of Disclosure Log or Research Disclosure Log.
 - a. If no, promptly notifies the privacy officer.

Program Supervisor/
Medical Records Unit
Supervisor (cont.)

- b. If yes, forwards a copy of the Accounting Of Disclosure Log and Research Disclosure Log (if any) to the privacy officer.
- c. Completes the Response To A Request For An Accounting Of Disclosures/Respuesta A La Solicitud De Informe De Divulgaciones form indicating that no disclosures have been made for the period requested and routes as follows:

Original: Individual
Canary : Chart
Pink : Retains in file

Privacy Officer

- 10. Upon receipt of the ICBHS Accounting Of Disclosure Log, and Research Accounting Log and the Business Associate(s) Accounting Of Disclosure Log and Business Associates Research Disclosure Log (if any):
 - a. Identifies the disclosures occurring during the time frame specified in the Request For Accounting Of Disclosure/Respuesta A La Solicitud De Informe De Divulgaciones; and,
 - b. Determines if any of the disclosures are subject to an exception.

Note: Exceptions include the following disclosures:

- 1. To carry out treatment, payment, or health care operations;

Privacy Officer (cont.)

Exceptions (cont.)

2. To the individual;
3. Pursuant to an authorization;
4. To persons involved in the individual's care, or for other notification purposes;
5. For national security or intelligence purposes;
6. Incident to disclosures in compliance with the HIPAA Privacy Rule.
7. To correctional institutions or law enforcement officials having lawful custody of the individual;
8. Occurred prior to 4-14-03

11. Prepares an accounting that provides the following information for each written or oral disclosure that was required to be tracked and that occurred within the accounting period including disclosures to or by business associates:
 - a. Date of disclosure;
 - b. Name of covered entity or individual who received the information and address, if known;
 - c. Description of the information disclosed;
 - d. Brief statement of the purpose of the reason for disclosure.

Note: If multiple recurring disclosures were made to the same entity or individual, ICBHS may prepare a summary entry that includes the following information:

- 1) Date of disclosure;

Privacy Officer (cont.)

Summary (cont.)

- 2) Name of covered entity or individual who received the information and address if, known;
- 3) Description of the information disclosed;
- 4) Brief statement of the purpose of the reason for disclosure;
- 5) An indication of periodic interval, frequency, or total, number of disclosures during the accounting period and date of last disclosure.

12. If during the accounting period, disclosures were made as part of a research study, for fifty (50) or more individuals, the accounting provided to the individual may contain the following as an alternative to the requirements above:
 - a. The name of the research protocol or activity;
 - b. A description, in plain language, of the research protocol or activity, including the purpose of the research and criteria that were used to select records for inclusion;
 - c. A description of the PHI that was disclosed;
 - d. The date or period over which such disclosures occurred or may have occurred, including the date of the last such disclosure during the accounting period;

Privacy Officer (cont.)

- e. The name, address, and phone number of the entity that sponsored the research and the researcher to whom the information was disclosed;
- f. A statement that the PHI of the individual may or may not have been disclosed for a particular protocol or research activity.

Note: If ICBHS does provide such a summary for disclosure that were part of a research protocol or activity, then ICBHS must, at the request of the individual, assist the individual in contacting the entity that sponsored the research, as well as the party conducting the research.

- 13. Completes the Response To A Request For An Accounting Of Disclosures/Respuesta A La Solicitud De Informe De Divulgaciones form, checking the appropriate box to inform the individual that ICBHS is attaching the requested disclosures.
- 14. Records date the accounting was made on the Accounting Request Log.
- 15. Reviews Accounting Request Log to determine if the accounting is the first to the client in a 12 month period.
 - a. If it is the first accounting within a rolling 12 month period, the accounting must be provided at no charge to the individual. Go to step 15.

Privacy Officer (cont.)

- b. If it is an additional accounting, a reasonable cost-based fee may be charged. Go to step 16

- 16. Routes the Response To A Request For An Accounting Of Disclosures/Respuesta A La Solicitud De Informe De Divulgaciones as follows

Original: Individual
Canary : Chart
Pink : Retains in file

- 17. If it is an additional accounting, forwards the Response To A Request For An Accounting Of Disclosures/Respuesta A La Solicitud De Informe De Divulgaciones form to Medical Records.

Medical Records Staff

- 18. Upon receipt of the Response To A Request For An Accounting Of Disclosures/Respuesta A La Solicitud De Informe De Divulgaciones, stamps a confidentiality statement on all copies and prepares a billing statement.

- 19. Records the request for an accounting of disclosures on the Authorization For Disclosure Of PHI Log form, recording the following:

- a. Date received
- b. Requestor
- c. BC#
- d. Date mailed
- e. Number of pages
- f. Amount due
- g. Date statement sent
- h. Date 30 day letter sent
- i. Date 60 day letter sent
- j. Date 90 day letter sent
- k. Date payment received

Medical Records Staff
(cont.)

1. Staff processing accounting
of disclosure

20. Mails billing statement and
the Response To A Request For
An Accounting Of Disclosures/
Respuesta A La Solicitud De
Informe De Divulgaciones to
the requestor.

ICBHS

21. Retains documentation of the
individual's request, a copy
of the accounting provided to
the individual, and the title
of the person responsible for
receiving and processing the
request by the individual for
six (6) years from the date
it was created or the date
when it last was in effect,
whichever is later, or such
longer period of time
as required by state law or
other federal laws.

It is ICBHS' records retention
policy that all records be
kept a minimum of seven (7)
years from the date of dis-
charge, except for minors,
whose records shall be kept at
least one (1) year after the
minor has reached the age of
eighteen (18), but in no case
less than seven years.

Forms used in this procedure:

Request For An Accounting Of Disclosures ICBHS 00-36
Solicitud De Informe De Divulgaciones ICBHS 00-49
Response To A Request For An Accounting Of Disclosures ICBHS 00-37
Repuesta A La Solicitud De Informe De Divulgaciones ICBHS 00-50
Accounting Request Log ICBHS 00-60
Accounting of Disclosures Log ICBHS 00-59
Research Disclosure Log ICBHS 00-62
Business Associates Accounting Of Disclosure Log ICBHS 00-61
Business Associates Research Disclosure Log ICBHS 00-63