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SUBJECT: Accounting of Disclosures of Protected Health Information

HIPAA CITES: 45 C.F.R. § 164.528

DEPARTMENT: All Departments of Kewaunee County

POLICY NUMBER: 114

I. POLICY:

Upon the patient's or the patient's Personal Representative's request, Kewaunee County will provide the requestor with an accounting (i.e., a list with the content specified in Section II.C below) of all Accountable Disclosures (as defined herein) in accordance with this policy. An "**Accountable Disclosure**" is any disclosure of Protected Health Information about the patient made by Kewaunee or a business associate of Kewaunee County on or after April 14, 2003 *except* for those disclosures listed below in Sections II.B.2 and II.B.3.

II. PROCEDURES:

A. Person Who May Request an Accounting. The patient or his or her Personal Representative may request an accounting of all Accountable Disclosures of the patient's Protected Health Information. Any patient who contacts Kewaunee County to obtain an accounting will be immediately forwarded Kewaunee County's Request for Accounting Form. The Request for Accounting Form should be submitted to the Department Privacy Office for processing. Any patient who requires assistance filling out the form may request it from the Department Privacy Officer.

B. Types of Accountable Disclosures.

1. General Procedure. Upon Kewaunee County's receipt of a written request pursuant to Section II.A above, Kewaunee County shall provide the requestor with an accounting of all Accountable Disclosures during the six (6) year period immediately prior to the date of the request for an accounting. Kewaunee County will provide an accounting for a period of less than six (6) years only if the six (6) year period includes dates prior to April 14, 2003 or the request specifies a shorter period. Accountable Disclosures are referenced in Policy # 103.

- a. Catch-all. Under any other circumstances where Protected Health Information is disclosed to a third party and an exception to the accounting requirement is not available under Sections II.B.2 or II.B.3. For instance, a mistaken disclosure of Protected Health Information without the patient's authorization or pursuant to a defective authorization is an Accountable Disclosure within this catch-all category if Kewaunee County is aware of the mistake.
2. Permissible Exceptions. Kewaunee County is *not* required to provide a patient an accounting of disclosures of Protected Health Information that were made for the following purposes:
 - a. To carry out Treatment, Payment and Health Care Operations; [164.502] as described in Policy # 102;
 - b. To the patient;
 - c. Incident to a use or disclosure otherwise permitted, as described in Policy # 105;
 - d. Pursuant to an Authorization in accordance with Policy # 106;
 - e. To persons involved in the patient's care or for certain other notification purposes (e.g., disclosures in certain emergencies) in accordance with Policy # 104;
 - f. For national security or intelligence purposes;
 - g. To correctional institutions or law enforcement officials in accordance with Section L of Policy # 103;
 - h. Any disclosure that occurred prior to April 14, 2003.
 3. Required Exceptions. Kewaunee County must temporarily suspend a patient's right to receive an accounting of disclosures that were made to a health oversight agency or law enforcement official (in accordance with Policy # 11303118) [*concerning §164.512(d) and (f)*] if the health oversight agency or law enforcement official informs Kewaunee County that providing such an accounting to the patient would be reasonably likely to impede such agency's or official's activities. The terms and length of such suspension will be as follows:
 - a. Written Request. The length of time specified in a written request for a suspension that Kewaunee County receives from the health oversight agency or law enforcement official.

- b. Oral Request. Thirty days from the date of the health oversight agency's or law enforcement agency's oral request for a suspension, unless Kewaunee County receives a written request during such 30 day period, in which case Kewaunee County will continue the suspension for the length of time specified in such written request. In the event that Kewaunee County receives an oral request, it must document the occurrence of the request, including the identity of the agency or official making the request.

C. Content of the Accounting

1. General Rule. Unless Section II.C.2 of this policy applies, Kewaunee County *must* provide the patient with a written accounting that includes all of the following with respect to each Accountable Disclosure (as described in Section II.B.1 but not including any disclosure described in Sections II.B.2 or II.B.3) that was made by Kewaunee County or any of its Business Associates during the accounting period (six years from the date of the patient's request, unless the patient requests a shorter time period):
 - a. The date of the disclosure;
 - b. The name of the entity or person who received the Protected Health Information and, if known, the address of such entity or person;
 - c. A brief description of the Protected Health Information disclosed; and
 - d. One of the following, as applicable:
 - i. A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure; or
 - ii. A copy of a written request (if any) from the Secretary of Health and Human Services ("Secretary's Request") to investigate or determine Kewaunee County's compliance with the Privacy Rule (if such Secretary's Request relates to Accountable Disclosures during the accounting period); or
 - iii. A copy of a written request (if any) obtained in accordance with Policy # 103 [relating to § 164.512] (if such written request relates to Accountable Disclosures during the accounting period).

2. Multiple Disclosures Exception. If, during the accounting period (6 years from the date of request, unless the patient requests an accounting for a shorter time period), Kewaunee County has made multiple disclosures of Protected Health Information to the same person or entity for a single purpose pursuant to (i) Policy # 103 [relating to § 164.512], or (b) a Secretary's Request, the written accounting may, with respect to such multiple disclosures, contain the following:
 - a. The information listed above in Section II.C.1 with respect to the first disclosure during the accounting period;
 - b. The frequency, periodicity, or number of the disclosures made during the accounting period; and
 - c. The date of the last such disclosure during the accounting period.
- D. Timing of Response to Patient's Request for Accounting. Within sixty (60) days after Kewaunee County's receipt of a written request for an accounting, Kewaunee County must provide the patient one of the following:
 1. A written accounting as described in Section II.C. above; or
 2. If Kewaunee County is unable to provide the written accounting within sixty (60) days of the Kewaunee County's receipt of the patient's written request, then a written statement of the reasons for the delay and the date by which Kewaunee County will provide the accounting (which under no circumstance may be later than ninety (90) days from the date of Kewaunee County's receipt of the patient's initial written request).
- E. Fee for Accounting. Kewaunee County will provide the first accounting to a patient in any twelve (12) month period without charge in connection with processing and producing the requested accounting. For each subsequent request for an accounting during such twelve (12) month period, Kewaunee County will charge the patient \$.15 per page for the first 10 copies, thereafter \$.10 per page for copying costs. This fee represents a reasonable, cost-based fee. Kewaunee County's policy regarding fees charged for an accounting are stated in the Accounting Request Form.
- F. Retention of Accounting. Kewaunee County shall retain each written accounting that it creates in accordance with this policy and each written response it provides to a patient in connection therewith for a period of six (6) years from the date that the written accounting or other written response, as applicable, is created. In addition, Kewaunee County shall retain each written request for an accounting it receives and any documentation it creates pursuant to Section II.B.3 of this policy for a period of six (6) years from the date such written request is received or such

documentation is created, as applicable. All requests shall be maintained by the Department Privacy Office.

G. Responsible Personnel.

1. Receiving Requests. The following personnel are responsible for receiving requests for an accounting: Human Services Billing Clerk and Manager LTS Services; Public Health staff; Veteran's Services staff; and Administrative staff.
2. Processing Requests. The following personnel are responsible for processing requests for an accounting in accordance with this policy: Human Services Billing Clerk and Manager LTS Services; Public Health staff; Veteran's Services staff; and Administrative staff.