

**ADAMH BOARD OF FRANKLIN COUNTY  
HIPAA Privacy Policy H.01.130**

**ACCOUNTING FOR DISCLOSURES OF PROTECTED HEALTH INFORMATION**

**A. PURPOSE STATEMENT**

The purpose of this policy is to issue instructions regarding a consumer's right to an accounting of disclosures of protected health information.<sup>1</sup>

**B. SCOPE**

This policy applies to all ADAMH workforce members, including Board of Trustees members, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for ADAMH, is under the direct control of ADAMH, regardless of whether they are paid by ADAMH.

**C. POLICY STATEMENT**

1. Generally: An individual has a right to receive an accounting of disclosures of protected health information by ADAMH during a time period specified up to six years prior to the date of the request for an accounting, except for disclosures:
  - a. To carry out treatment, payment, or health care operations;
  - b. To the individual about his or her own protected health information;
  - c. Incident to a use or disclosure otherwise permitted or required;
  - d. Pursuant to the individual's authorization;
  - e. To persons involved in the individual's care, or other notification purposes permitted under law;
  - f. For national security or intelligence purposes;
  - g. To correctional institutions or law enforcement officials as permitted under law;
  - h. As part of a limited data set; or
  - i. That occurred prior to the compliance date for ADAMH.<sup>2</sup>
2. The individual's right to receive an accounting of disclosures of protected health information to a health oversight agency or law enforcement official must be suspended for the time period specified by such agency or official if the agency or official provides a written statement asserting that the provision of an accounting would be reasonably likely to impede the activities of the such agency and specifying a time period for the suspension.
  - a. Such a suspension may be requested and implemented based on an oral notification for a period of up to 30 days. Such oral request must be documented, including the identity of the agency or official making the request. The suspension may not extend beyond 30 days unless the written statement described herein is submitted during that time period.
3. Content of the Accounting
  - a. The written accounting must meet the following requirements:
    - i. Other than as excepted above, the accounting must include disclosures of protected health information that occurred during the six years (or such shorter time period as is specified in the request) prior to the date of the request, including disclosures by or to business associates;
    - ii. The accounting for each disclosure must include:

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<sup>1</sup> CFR Title 45, Section 164.528 Accounting of Disclosures of Protected Health Information

<sup>2</sup> April 14, 2003

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- (a) Date of disclosure;
    - (b) Name of entity or person who received the PHI, and, if known, the address of such entity or person;
    - (c) A brief description of the protected health information disclosed;
    - (d) A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure, or in lieu thereof, a copy of the individual's authorization or the request for a disclosure;
  - iii. If, during the time period for the accounting, multiple disclosures have been made to the same entity or person for a single purpose, or pursuant to a single authorization, the accounting may provide the information as set forth above for the first disclosure, and then summarize the frequency, periodicity, or number of disclosures made during the accounting period and the date of the last such disclosure during the accounting period.
- 3. Provision of the Accounting
  - a. The individual's request for an accounting must be acted upon no later than 60 days after receipt, as follows:
    - i. Provide the accounting as requested, or;
    - ii. If unable to provide the accounting within 60 days, the time for response may be extended by no more than 30 additional days, provided that:
      - (a) Within the first 60 days, the individual is given a written statement of the reasons for the delay and the date by which the accounting will be provided, and;
      - (b) There are no additional extensions of time for response.
    - iii. The first accounting in any twelve month period must be provided to the individual without charge. A reasonable, cost-based fee may be charged for additional accountings within the twelve month period, provided the individual is informed in advance of the fee, and is permitted an opportunity to withdraw or amend the request.
- 4. Documentation
  - a. ADAMH must document and retain documentation for a period of six years:
    - i. All information required to be included in an accounting of disclosures of PHI;
    - ii. All written accountings provided to individuals, and;
    - iii. Titles of persons or offices responsible for receiving and processing requests for an accounting from individuals.