

BryanLGH MEDICAL CENTER PROCEDURE

ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION (PHI)

	DATES
<i>Replaces:</i> <i>East –</i> <i>West –</i>	<i>Effective: April 2003</i> <i>Designated Review: April 2004</i>

PURPOSE

To establish guidelines for processing the patient's right to request in writing an accounting of non-routine external disclosures of their information and to ensure compliance with the Health Insurance and Portability and Accountability Act (HIPAA).

INTRODUCTION

Pursuant to HIPAA, the U.S. Department of Health and Human Services issued privacy regulations with which hospitals must comply. One of the regulations, 45 C.F.R. 164.528, sets forth when and how a patient or someone acting on his or her behalf can request and receive an accounting of disclosures of PHI not included in the exceptions above.

Exceptions to this accounting requirement are those disclosures made: 1) To carry out treatment, payment or healthcare operations; 2) To individuals themselves or those authorized by the individual; 3) For the hospital patient directory or to persons involved in the individual's care; 4) For national security or intelligence purposes; 5) To correctional institutions or law enforcement custodial situations; 6) That occurred prior to April 14, 2003 which is the privacy compliance date.

Definitions:

Protected Health Information (PHI): Patient identifiable information in any form created or received by BryanLGH Medical Center that relates to the past, present, or future physical or mental health; condition of the patient or the provision of healthcare to an individual, or the past, present or future payment for the provision of health care to an individual.

Non-routine disclosures: Those disclosures that are made only occasionally such as to a public official investigating a crime or to Nebraska Health and Human Services.

Disclosure: Sharing PHI with an external agency.

SCOPE

Health Information Management (HIM) Department at BryanLGH Medical Center
All departments/areas who report PHI externally as required by law.

EQUIPMENT/SUPPLIES/RESOURCES

1. "Request for an Accounting of Disclosures of Health Information" Form 1152d
2. "Department Accounting of Disclosure Form" Form 331
3. "Authorization for Release of Medical Information" Form 141

STEPS

1. BryanLGH Medical Center must account for the following disclosures, most of which will be made by non HIM departments:
 - a. Suspected abuse / domestic abuse/child abuse
 - b. Wounds and injury of suspected violence
 - c. Communicable disease, illness, poisoning
 - d. Infectious disease / sexually transmitted disease
 - e. Birth defects
 - f. External cause of injury, poisoning, adverse effect
 - g. State Wide Cancer Registry
 - h. Brain injury
 - i. Organ and tissue information to NORS
 - j. Deaths reported to Coroner, Funeral Home, Medical Examiner
 - k. Dog bites
 - l. EMS, Inc.
 - m. Disclosures to PRO / Nebraska Peer Reviewer
 - n. Poison Control
2. Any hospital department disclosing PHI will document the disclosure on the "Department Accounting of Disclosures Form: Form 331 until a computer system is implemented at which time the information will be entered directly into the computer by the respective areas. The report of a disclosure to be accounted for must contain the following data elements:
 - Date of disclosure
 - Name of company or person who received the PHI and, if known, the address of the party individual
 - Brief description of the PHI disclosed
 - A brief statement of the purpose of the disclosure or a copy of a written request for disclosure
 - If the disclosure is made on a recurring basis to a company or a person for a single purpose, the company or business only needs to be listed once and the frequency of the disclosure needs to be listed with the date of the first and last disclosure
3. A patient requesting an accounting will be required to complete Form 1152d "Request for an Accounting of Disclosures of Health Information" in the HIM Department.
4. HIM will act upon the patient's request no later than sixty (60) days after receipt of the form.
5. If HIM is unable to provide the accounting within six (60) days, the response may be extended by no more than 30 additional days provided the patient/legal representative is given a written statement before the end of the original sixty (60) day period identifying the reasons for the delay and the date by which the accounting will be provided. Only one such extension is permitted.
6. The first accounting in any 12-month period will be provided free of charge. Subsequent requests will be charged at the rate of \$10 per accounting.

7. The HIM staff member responsible for receiving and processing the request for an accounting must document on the bottom of the patient's written request. A "Request for an Accounting of Disclosures of Health Information" Form 1152d includes what was provided, date, and name and title of the staff member. A copy of the form must be filed in the medical record.
8. The accounting must include disclosures of PHI that occurred during the (6) years (or shorter time period as is specified in the request) prior to the date of the request, including disclosures by or to business associates that perform functions outside of treatment, payment, or health care operations.
9. Departments will send the "Department Accounting of Disclosures Form" Form 331 to HIM until a computer system is installed at which time the areas doing the reporting will enter data directly into the computer. In some cases department computer systems will be modified to feed directly into the Disclosure Tracking software.
10. HIM will retain the "Department Accounting of Disclosures" forms in the patient's medical record for the 6 year minimum time period required by law or back enter them into the disclosure computer system later.

Suspension of the Right to an Accounting of Disclosures

1. Upon request by a health oversight agency or a law enforcement official, a patient's or legal guardian's right to an accounting of disclosures of PHI to a health oversight agency or law enforcement official can be suspended for the time period specified by such agency or official provides a written statement asserting that the provision of an accounting would be reasonably likely to impede the activities of the agency or official.
2. Such a suspension may be requested and implemented based on an oral notification for a period of up to thirty (30) days. Written notification will be required after the initial 30 days. HIM will document such request in the medical record. The documentation will include the identity of the agency or official making the request.
3. If a health oversight agency or law enforcement official request a suspension the agency or official will be directed to contact the Health Information Management Release of Information section.

REFERENCES

45 CFR Sections 164.501 and 164.528
Nebraska State Laws

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KEYWORDS

HIPAA
Privacy
Accounting of Disclosures
Medical Records

SIGNATURES (Signature Sheet on File)

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	W:	
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