

**HARDIN COUNTY GENERAL HOSPITAL  
HOSPITAL-WIDE POLICY**

**Title: Accounting of Disclosures Policy**  
**Policy Number: HITECH 633**  
**Regulation: HIPAA 45 CFR Part. 164.528**

**Effective Date: 4/1/2012**  
**Med Staff:**  
**Admin:**

**I. POLICY**

Patients have the right to receive an accounting of disclosures of their protected health information (PHI)

**II. DEFINITIONS**

HCGH means Hardin County General Hospital and Clinic

**III. RESPONSIBILITY**

All employees

**IV. EQUIPMENT**

**V. PROCEDURES**

**INFECTION CONTROL: N/A**

**VI. DOCUMENTATION**

Policy:

1. A patient has the right to receive an accounting of disclosures of PHI made by HCGH in the six years prior to the date on which the accounting is requested.
2. The following are disclosures, which HCGH is required to track on the patient's record:
  - a. When required by law or for law enforcement purposes.
  - b. When requested by a government authority regarding information about victims of abuse, neglect or domestic violence.
  - c. Health oversight activities
  - d. Judicial and administrative proceeding (ex: court orders, subpoenas, discovery requests).
  - e. To comply with workers compensation investigations.
  - f. To avert a serious threat to health and safety.
3. For multiple disclosures to the same recipient for a single purpose, a summary of accounting addressing the series of disclosures is acceptable, rather than detailing an account of each disclosure.
4. HCGH is also required to track all accidental disclosures. Some examples of common accidental disclosures are:
  - a. PHI faxed to wrong location.
  - b. Document containing PHI mailed to wrong person (i.e. EOB, letter).
  - c. Paid wrong provider (claims remit containing PHI sent to wrong provider).
5. The member must request, in writing, the accounting of disclosures, specifying the time period to which the accounting applies, which may not be for a period of more than six years, and be reviewed and approved by the Privacy Officer.

6. HCGH must provide the accounting to the member, in writing within 30 days of the date the request for the accounting was received. The contents of the accounting should include the following:
  - a. The date of the disclosure.
  - b. The name of the entity of persons who received the PHI and if known, the addresses of such persons.
  - c. A brief description of the PHI disclosed.
  - d. A brief statement of the purposes of the disclosure.
  - e. Any relevant documentation, such as a written request from a government or law enforcement agency.
7. HCGH is not required to track the following disclosures:
  - a. As set forth in the Uses and Disclosures Policy.
    - i. To carry out treatment, payment or health care operations.
    - ii. Disclosures to individuals about themselves.
    - iii. Disclosures to a Personal representative.
    - iv. Disclosures to persons involved in the individual's treatment or care provided there is verbal authorization documentation.
  - b. For national security or intelligence purposes.
  - c. To correctional institutions or law enforcement officials having lawful custody of an inmate.
  - d. Incidental disclosures permitted under applicable federal or state law. For purposes of this policy an incidental disclosure is a secondary disclosure that cannot reasonably be prevented and that occurs as a result of an otherwise permitted use or disclosure. Example: a conversation that is overheard despite attempts by the speakers to avoid being heard.
  - e. Disclosures that occurred prior to the compliance date (April 14, 2003).

#### Procedure:

#### Recording Disclosures

#### Authorized Employee

1. Discloses PHI that HCGH has required to document or is made aware of an accidental disclosure that has been made.
2. Complete the form for recording Accounting of Disclosures.
3. Attach the supporting documentation to the form.
4. Forward completed form and supporting documentation to the Privacy Officer.

#### Privacy Officer

1. Receives completed form for Accounting of Disclosures and supporting documentation.
2. Reviews for appropriate Accounting of Disclosure.
3. Records the disclosure in patient record.

#### ACCOUNTING OF DISCLOSURE REQUEST FROM THE PATIENT

#### Authorized Employee

1. Receives a request from a member or the member's personal representative for accounting of disclosures.
2. Sends the accounting of disclosure form to the patient or personal representative to complete, sign and return to Privacy Officer.

#### Privacy Officer

1. Receives a completed Accounting of Disclosures form from a patient.
2. Reviews the request to determine which disclosures are reportable.
3. Records the request in log.
4. If the request for an accounting of disclosures is granted.
  - a. Works with the appropriate staff to obtain documents of the specified information.
  - b. Sends documents to the patient within 30 days.
5. If the request cannot be granted within 30 days, sends a letter to the patient. The letter must state the reason for the delay and the date on which the accounting will be provided to the patient.
6. If the request for an accounting of disclosures is denied based on the exceptions in the policy section, send a denial letter.
7. Documents the denial or the accounting the patient's record.
8. Documents the written accounting and request in the privacy log.