



ADMINISTRATIVE PRACTICES MANUAL

Tracking and Accounting of Disclosures of Protected Health Information (PHI) Policy

PURPOSE

To set forth procedures for tracking disclosures and responding to requests for an Accounting of Disclosures of PHI.

PROCEDURE

Unless exempted by HIPAA, all disclosures must be tracked using the **Disclosure Log**. Disclosures can be in written, verbal and electronic form. Workforce members are not required to track disclosures that are made:

1. For treatment, payment, or health care operations;
2. Directly to the client/patient;
3. Incident to a permitted or required use or disclosure;
4. Under a client's/patient's authorization;
5. To persons involved in the client's/patient's care;
6. For national security or intelligence purposes;
7. To correctional institutions or law enforcement officials with custody over an inmate;
8. As part of a limited data set for research, public health or Health Care Operations; or
9. Seven years prior the date of request.

When responding to an Accounting of Disclosure:

1. The client/patient may submit a request orally or in writing. All requests must be documented by the client/patient or the Workforce member on the **Request for Accounting of Disclosures Form**.
2. Dane County will act on the request for an accounting and provide the accounting within 60 days after receipt of the request. If Dane County is unable to provide the accounting within 60 days, this time limit may be extended once for up to 30 days if Dane County provides a written statement explaining the reason for the delay and the date by which Dane County will provide the accounting.
3. Each Covered Component will have its own procedure to respond to Requests for an Accounting. The procedure will assign the following to a specific workforce member:
 - a. A review the **Disclosure Log** to determine whether the client's/patient's record has been disclosed for purposes that must be included in the accounting.
 - b. A determination as to whether the client's/patient's PHI has been disclosed to a Business Agreement (BA), and if a disclosure to a BA has occurred, then forwarding the **Accounting of Disclosure Requests for Departments and Business Associates Form** to the BA to obtain an accounting of any further disclosures and/or re-disclosures by the BA.

4. Clients/patients are entitled to one Accounting of Disclosures within a 12-month period at no cost. A fee may be assessed for additional requests. Workforce member(s) will complete the **Disclosure Accounting – Internal** and place it in the client/patient file (or separate file if no client/patient file exists) for tracking purposes and will determine whether Dane County previously provided an **Accounting of Disclosures** for the client/patient within the past 12-month period. A reasonable, cost-based fee may be charged for subsequent requests during any one 12-month time period. In situations where a fee may be imposed, the requestor will be informed in advance of the fee and given an opportunity to withdraw or modify the request. The workforce member will document the following in the client's/patient's file:
 - a. the conversation with the requestor about the fee information;
 - b. the requestor's understanding of the fee information; and
 - c. the requestor's decision whether to go forward with the Accounting of Disclosures request.
5. For each disclosure, the following information will be provided:
 - a. Date of the Disclosure;
 - b. Name of the entity or person who received the PHI;
 - c. If known, the address of the entity or person who received the PHI;
 - d. Brief description of the PHI disclosed; and
 - e. Brief statement of the purpose of the disclosure or a copy of a written request for disclosure, if any.
6. For disclosures of PHI to the same person or entity for a single purpose on a repeated basis, the disclosure will include the following information:
 - a. For the first disclosure: the date, name of entity or person who received the PHI and address, brief description of the PHI and brief statement of the purpose of the disclosure or copy of disclosure request;
 - b. For subsequent disclosures: the frequency or number of disclosures during the accounting period; and the date of the last disclosure during the accounting period.
7. If the disclosure is for research that involved 50 or more individuals and the requesting client/patient PHI may have been disclosed for a particular protocol or other research activity, Dane County may provide the following information in the accounting instead of the information outlined above:
 - a. The name of the protocol or other research activity;
 - b. A description of the research protocol or activity, including the purpose of the research and the criteria for selecting particular records;
 - c. A brief description of the type of PHI that was disclosed;
 - d. The date or period of time during which such disclosures occurred, or may have occurred, including the date of the last disclosure;
 - e. The name, address, and telephone number of the entity that sponsored the research and the researcher to whom the PHI was disclosed; and
 - f. A statement that the PHI may or may not have been disclosed for a particular protocol or other research activity.
8. If it is likely that the client's/patient's PHI was used in the research project, Dane County will assist the client/patient in contacting the sponsor of the research and the researcher, if the client/patient requests such assistance.

9. Complete the **Accounting of Disclosure Response** letter.

DOCUMENTATION

Dane County will maintain the documentation associated with this policy for a minimum of seven years.

ROLES & RESPONSIBILITIES

The HIPAA Privacy & Security Officer is responsible for the implementation, maintenance, and adherence to this policy.

RELATED DOCUMENTS

Definitions

Disclosure Log

Request for Accounting of Disclosures

Accounting of Disclosure Response

Accounting of Disclosure Requests for Departments and Business Associates Form

Disclosure Accounting – Internal

DOCUMENT VERSION HISTORY

Original: 10/2023

