

Polk County Wisconsin

ACCOUNTING OF DISCLOSURES

Policy 601.C

Effective Date: April 15, 2003

Current Revision Date:

Policy

To ensure clients can receive an accounting of disclosures of their protected health information, not including disclosures for purposes of treatment, payment or health care operations. Disclosures to business partners must be included in the accounting. Under the Health Insurance Portability and Accountability Act, covered entities must give clients an accounting of disclosures, if requested. Clients may request an accounting of disclosures that were made up to six years prior to the date of request.

Procedures

1. Maintain an accounting of disclosures of protected health information on each client for at least six years, effective April 14, 2003.
2. Information that must be must be maintained (tracked) and included in an accounting:
 - A. Date of disclosure.
 - B. Name of individual or entity who received the information and their address, if known.
 - C. Brief description of the protected health information disclosed.
 - D. Brief statement of the purpose of the disclosure [or a copy of the individual's written authorization ¹] or a copy of the individual's written request for disclosure.
 - E. Multiple disclosures to the same party for a single purpose [or pursuant to a single authorization ²] may have a summary entry. A summary entry includes all information (2 A-E) for the first disclosure, the frequency with which disclosures were made, and the date of the last disclosure.
3. Information that is excluded from the accounting and tracking rule are disclosures made:
 - A. Prior to April 14, 2003.
 - B. To law enforcement or correctional institutions as provided in state law.
 - C. For facility directories.
 - D. To the individual client.
 - E. For national security or intelligence purposes.
 - F. To people involved in the client's care.

¹ Under the Department of Health and Human Services' Notice of Proposed Rulemaking (NPRM) issued March 27, 2002, disclosures made pursuant to an individual's authorization under 45 CFR 164.508 would be excluded from the accounting requirements.

² See note #1 above.

- G. For notification purposes including identifying and locating a family member.
 - H. For treatment, payment, and healthcare operations.
 - I. Pursuant to an individual's authorization ³
4. All other disclosures of protected health information must be tracked. Disclosures are not limited to hard-copy information but any manner that divulges information, including verbal or electronic data release.
 5. Disclosures may be tracked by a variety of internal processes that ensure accurate and complete accounting of disclosures, which may be by:
 - A. Computerized tracking systems that have the ability to sort by individual and/or date, or,
 - B. Manual logs with one log per client maintained in the client's health record (*see sample "Disclosure Log" attached to this policy*), or,
 - C. Authorization forms maintained in the client's health record.
 6. All systems must be maintained and accessible for a period of at least six years beginning April 14, 2003, to meet the requirement of providing an accounting of disclosures for that time period.
 7. Disclosures that are not accompanied by [an authorization or ⁴] a written request must be tracked by alternative computerized or hard-copy mechanisms.
 8. A client may make the request for an accounting in writing or orally. If the request is made orally, the organization should document such on the general "Authorization" form or a "Request for an Accounting of Disclosures" form (*see sample "Request of Accounting of Disclosures" form attached to this policy*). The organization must retain this request and a copy of the written accounting that was provided to the client, as well as the name/departments responsible for the completion of the accounting.
 9. A client may authorize in writing that the accounting of disclosures be released to another individual or entity. The request must clearly identify all information required to carry out the request (name, address, phone number, etc.).
 10. Provide the individual with an accounting of disclosures within 60 days after receipt of the request.
 - A. If the accounting cannot be completed within 60 days after receipt of the request, provide the individual with a written statement of the reason for the delay and the expected completion date. Only one extension of time, 30 days maximum, per request is permitted.

³ See note #1 above.

⁴ See note #1 above.

B. Requests can cover a period of up to six years beginning April 14, 2003, prior to the date of the request.

11. Provide the accounting to the individual at no charge for a request made once during any twelve-month period. A reasonable fee can be charged for any additional requests made during a twelve-month period provided that the individual is informed of the fee in advance and given an opportunity to withdraw or modify the request.

12. Maintain written requests for an accounting and written accountings provided to an individual for at least six years beginning April 14, 2003, from the date it was created.

A. Maintain the titles and names of the people responsible for receiving and processing accounting requests for a period of at least six years beginning April 14, 2003.

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Attachments to Policy

- Request for an Accounting of Disclosures
- Disclosure Tracking Log

References

- AHIMA Practice Brief: Accounting & Tracking Disclosures of PHI
- HIPAA Collaborative of Wisconsin
- Briefings on HIPAA, April 2001

State Preemption Issues: Section 51.30(4)(e) of Wisconsin Statutes requires notation each time written information is released from the individual's record and gives the individual access to the notations. The statute does not mention the address of the person to whom the information was released and does not mention a time limit. Section 146.28(3)(c) of Wisconsin Statutes requires physicians and optometrists to record disclosures and track information. Section 146.83(3) of Wisconsin Statutes requires providers to note inspections of client records made by the client or person authorized by the client. Section 610.70(5) of Wisconsin Statutes gives an insurer 30 business days to respond to an individual's request for an accounting of disclosures. Section 610.70(5) limits the required accounting time to two years prior to the request.

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**POLK COUNTY
REQUEST FOR AN ACCOUNTING OF DISCLOSURES**

CLIENT INFORMATION

Date of Request: _____ Medical Record No.: _____

Social Security Number _____ Date of Birth: _____

Name: _____

Address: _____

Address to send disclosure accounting (if different from above):

DATES REQUESTED

I would like an accounting of all disclosures for the following time frame. *Please note: the maximum time frame that can be requested is six years prior to the date of your request, starting April 14, 2003.*

From: _____ To: _____

FEES

There is no charge for the first accounting request in a 12-month period. For subsequent requests in the same 12-month period, the charge is \$0.25/page. I understand that there is (check one):

_____ No fee for this request

_____ A fee for this request in the amount specified above and I wish to proceed.

RESPONSE TIME

I understand the accounting I have requested will be provided to me within 60 days unless I am notified in writing that an extension of up to 30 days is needed.

Signature of Client or Legal Representative

Date

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Date request received: _____ Date accounting sent: _____

Extension requested: ____ Yes ____ No

If yes, give reason: _____

Client notified in writing on this date: _____

Staff member processing request: _____

