



# University of Connecticut Health Center

POLICY NUMBER 2003-18

April 14,2003

**POLICY: ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION TO PATIENTS UPON THEIR REQUEST (Privacy & Security of Protected Health Information (PHI))**

**PURPOSE:**

To provide guidance to UCHC workforce when patients request an accounting of disclosures of their protected health information.

**SCOPE:**

This policy covers all locations of UCHC that disclose PHI to ensure that all these disclosures are in a single repository that can be accessed and given to the patient, on request, within the time frame established by regulations.

**POLICY STATEMENT:**

All disclosures of PHI are required to be logged on an accounting log by the provider who makes the disclosure except for disclosures that are made:

1. for treatment, payment or health care operations;
2. to the patient about the patient;
3. in the facility directory or to persons involved in the patient's care, or for notification purposes to a public or private entity authorized to assist in disaster relief efforts;
4. incident to a permitted use or disclosure;
5. pursuant to an authorization made by the patient;
6. for national security or intelligence;
7. to correctional institutions or law enforcement officials related to the health care of inmates;
8. as part of a limited data set;
9. prior to the compliance date for HIPAA; or
10. that are not part of the client's record.

All other disclosures must be documented on the accounting log made for this purpose.

Examples include, but are not limited to:

1. disclosures to regulatory bodies, e.g. DPH, FDA, OSHA;
2. disclosures regarding abuse, neglect, domestic violence;
3. disclosures made for judicial or administrative proceedings, such as responses to court orders or subpoenas;
4. disclosures made to coroners/medical examiners; and
5. disclosures made for research purposes.

**PROCEDURE STATEMENT:**

1. Provider recording of disclosures on the accounting log:
  - A. Each patient's record contains an accounting log where all disclosures are documented as the disclosure is made. This log will be used in all patient records, i.e. medical, dental and research records. The accounting log for disclosures of PHI will be kept in a hard copy format. The log will be attached to the medical record and contain the following fields:
    1. the date of disclosure;
    2. the name of the recipient of the information (organization, individual, etc) and address, if known;
    3. a brief description of the PHI disclosed; and
    4. the purpose of the data disclosed or a copy of the written request for disclosure in lieu thereof.
  - B. For disclosures that may be made many times for the same purpose to the same person or entity, the accounting may include the information noted above and then the frequency or number of disclosures noting the first and last dates.
  - C. If PHI has been disclosed by UCHC for a particular research purpose for more than fifty (50) individuals, where disclosure may have included PHI of an individual requesting an accounting, the accounting may provide:
    1. the name of the protocol or research activity;
    2. a description, in plain language, of the protocol or activity, including its purpose and the criteria for selecting particular records;
    3. a brief description of the type of PHI disclosed;
    4. the date or time period during which the disclosures occurred or may have occurred, including the last disclosure date;
    5. the name, address and phone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and
    6. a statement that the PHI may or may not have been disclosed for a particular protocol or other research activity.
  - D. If such an accounting for research purposes is provided, and if it is reasonably likely that the individual's PHI was disclosed for such research protocol or activity, the individual may request and be provided assistance in contacting the entity that sponsored the research and the researcher.
2. Patient requests to UCHC to provide an accounting of disclosures:

The patient must request the accounting in writing from either the Director of Medical Records or the researcher responsible for maintaining the record, using the attached form. Patients have the right to receive this accounting of disclosures of their protected health information made in the six years prior to the date on which the accounting is requested.
3. Requirements UCHC must follow when responding to patient requests for an accounting:
  - A. If such a request for accounting is made, the Medical Records Department or the responding Principal Investigator for research records only, has sixty (60) days to respond to the request, but may have a one-time extension of thirty (30) days to provide the accounting as long as the patient is given a written notice of the reason for the delay and a date by which the accounting will be provided to the patient.

- B. An individual’s right to receive an accounting of disclosures to a health oversight agency or law enforcement official must be temporarily suspended if the agency or official provides a written statement that the accounting would be reasonably likely to impede the agency’s activities and specifying the time for which the suspension is required. If the agency or official statement is made orally, the statement must be documented, including the identity of the agency or official making the statement. The individual’s right to an accounting will be temporarily suspended subject to this statement for no longer than thirty (30) days unless a written statement is submitted during that time.
  - C. Should a patient request an accounting during this suspension period, then UCHC must provide an accounting within 60 days, but the list of disclosures must not include any information that was disclosed to the law enforcement agency during the period of suspension. The suspension notice must be maintained in a separate area from the patient record. The patient must not be informed of the suspension of the accounting requirement. The request for suspension notice will be kept for the life of the patient’s record.
  - D. The first request for an accounting in a twelve (12) month period is free to the patient. Thereafter, UCHC may charge a reasonable, cost based fee.
4. An accounting log will be obtained from any Business Associate of UCHC whenever a patient requests an accounting.
  5. The accounting log will be maintained for the life of the record.

Reference: § 164.528 Health Insurance Portability and Accountability Act of 1996  
Request for Accounting Form, HCH#

Elena Albini (signed)	2/10/03
_____	_____
<b>Director of Medical Records</b>	<b>Date</b>
Iris Mauriello (signed)	2/12/03
_____	_____
<b>Privacy Officer</b>	<b>Date</b>
_____	_____
<b>Vice President for Research</b>	<b>Date</b>
Peter Deckers, M.D. (signed)	2/14/03
_____	_____
<b>Executive Vice President for Health Affairs</b>	<b>Date</b>

**Replaces: NEW POLICY**

**Attachment(s):**

Accounting Log for Disclosures of PHI for 50 or more Research Subjects  
PROTECTED HEALTH INFORMATION DISCLOSURE TRACKING LOG  
REQUESTS FOR ACCOUNTING OF DISCLOSURES OF PHI