

**POLICY REGARDING INDIVIDUAL RIGHT TO REQUEST AN ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION**

**Purpose:** To set forth the policy and procedures of WVU Physicians of Charleston (WVUPC) regarding an individual's right to request an accounting of disclosures of his/her Protected Health Information ("PHI").

**Standard:** An individual has the right to request an accounting of certain disclosures of his/her PHI, both paper and electronic, under the provisions of the Health Insurance Portability and Accountability Act ("HIPAA") and subsequent related amendments under the provisions of the Health Information Technology for Economic and Clinical Health Act ("HITECH". This rules relating to accounting of disclosures is intended to enable an individual to be informed, upon request, of those disclosures of his/her PHI as required by HIPAA and subsequent related federal legislation.

**Policy:**

1. WVUPC will provide individuals with a right to request an accounting of disclosures of his or her PHI as permitted by the HIPAA privacy rule and the HITECH amendments which have been made by WVUPC in the six years prior to the date of the request (unless limited at the request of the patient).
2. The accounting provided for pursuant to this policy/procedure must include all disclosures, **except** for disclosures:
  - a. made prior to April 14, 2003.
  - b. made to carry out treatment, payment and health care operations;
  - b. made to the patient;
  - c. made pursuant to a valid and effective authorization (one that complies with the requirements of state law as well as with the HIPAA privacy regulations), signed by the patient or his/her legal representative;
    - e. made for a facility directory or to persons involved in the patient's care;
    - f. made to federal officials for national security or intelligence purposes;
    - g. made to correctional institutions or law enforcement officials to provide them with information about a person in their custody;
    - h. made as part of a limited data set; and
    - i. made to a health oversight or law enforcement official or agency provided the official or agency notifies WVUPC in writing that

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providing an Accounting of Disclosures to a specific patient would be reasonably likely to impede the official's or agency's activities.

3. Disclosures that must be documented include disclosures:

a) to a Business Associate of WVUPC, unless the disclosure is made for purposes of the Business Associate's provision of treatment, payment or other healthcare operations activities on behalf of WVUPC;

b) required by law, including mandatory reporting to local, state and federal agencies and authorities;

c) for purposes of public health activities (e.g. for preventing or controlling disease, injury, or disability, for reporting of disease, injury, birth or death, and for conducting public surveillance, public health investigations, and public interventions;

d) about victims of abuse, neglect or domestic violence;

e) for health oversight activities;

f) for judicial and administrative proceedings;

g) for law enforcement purposes pursuant to process and for identification and location purposes;

h) to coroners, medical examiners, and funeral directors;

i) for cadaveric organ, eye or tissue donation purpose;

j) for research purposes;

k) to avert a serious threat to health or safety;

l) for specialized governmental functions including military and veterans' activities, national security and intelligence activities, protective services for the President of the United States and other public officials, correctional institutions and other law enforcement custodial situations; and

m) for workers' compensation.

**Procedure:**

**Procedure for processing requests for accounting**

1. A patient may make a request for accounting in writing or orally. If the request is made orally, WVUPC shall document the request for an accounting of disclosures using a form for that purpose which has been approved and adopted for such use by WVUPC. Verification of the

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requester's identity must be obtained prior to granting a request for accounting. Patients making a request for accounting either verbally or by phone should be forwarded a copy of the WVUPC request for accounting form. The completed request form must be maintained in the individual's record for a minimum of six (6) years.

2. Any department of WVUPC that receives a request for accounting of disclosures should refer the patient to the WVUPC Director of Health Information Management who will coordinate a review/response to the request with the WVUPC Privacy Officer.

3. For each disclosure that must be recorded, the accounting of disclosures must include the following information:

- a. The date of the disclosure;
- b. The name of the entity or person who received the PHI and, if known, the address of such entity or person;
- c. A brief description of the PHI disclosed; and
- d. A brief statement of the purpose of the disclosures that reasonably informs the patient of the basis of the disclosure.
- e. For multiple disclosures of PHI to the same person, the individual will be provided with an accounting that contains only the following information: 1) for the first disclosure, a full accounting with the elements listed above; 2) the frequency, periodicity or number of disclosures made during the accounting period; and 3) the date of the last such disclosure made during the accounting period.

4. The staff of WVUPC will act on a patient's request for accounting within sixty (60) days of the receipt of such request as follows:

- a) Provide the accounting requested; or
- b) If unable to provide the accounting within the sixty (60) day period, the time for response may be extended by no more than thirty (30) additional days, provided that within the first sixty (60) days, the

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individual is given a written statement of reasons for the delay and the date by which the accounting will be provided. There are no additional extensions of time for response.

6. WVUPC shall provide one access report without charge every twelve (12) months. WVUPC may impose a reasonable, cost-based fee for each request for accounting for additional reports, provided that the patient is informed in advance of the fee, and that the patient is provided with an opportunity to withdraw or modify the request in order to avoid or reduce the fee.

7. Any questions regarding whether a particular disclosure is required to be accounted for by WVUPC shall be directed by WVUPC staff and/or WVUPC's Office of Health Information Management to the WVUPC Privacy Officer for review and guidance.

**REFERENCES:**

45 C.F.R. §164.528