

# Privacy Procedure



**POLICY:** See L-03 Client Request for Accounting of Disclosures Policy, at [www.cosdcompliance.org](http://www.cosdcompliance.org).

**DEFINITIONS:** See HHS Policy L-30.

## **PROCEDURES:**

### A. Tracking:

1. The following disclosures of Protected Health Information (PHI) will be tracked by HHS Programs:
  - i. Those required by law, including reports of suspected adult abuse/neglect, suspected child abuse/neglect, domestic violence, public health and health oversight activities, and disclosures relating to workers' compensation and to certain law enforcement activities.
  - ii. Those for judicial or administrative proceedings (including responses to subpoenas and court orders);
  - iii. Those for research, unless authorized by the individual; and
  - iv. Those for treatment, payment, or health care operations of Electronic Health Records as below.
2. An appropriate disclosure of an individual's PHI does not have to be tracked if the disclosure was:
  - i. Made for treatment, payment, or other health care operations, unless the disclosure involved information in an Electronic Health Record (EHR). If the disclosure involved an EHR acquired prior to January 2009, the Program shall include disclosures for treatment, payment, and health care operations effective 2014. If the EHR was acquired in 2009 or later, the Program shall provide an accounting of disclosures for treatment, payment, or health care operations beginning the date the EHR was acquired or January 2011, whichever is later; OR
  - ii. Made to or authorized by the individual; OR
  - iii. Regarding a facility directory; OR
  - iv. Disclosures that do not identify individuals; OR
  - v. Disclosures that are incidental to another permitted use or disclosure;
3. For more information about disclosures, see HHS Policy L-25.

B. Requests for Accounting: The individual shall complete "Request for Accounting of Disclosures of Protected Health Information" form (HHS Form 23-05) or provide an alternate valid written request. HHS Programs shall only honor requests made by the individual with authority (see HHS Policy L-27).

C. Duration: Unless otherwise a shorter time is specified in the Request, all disclosures within the previous six (6) years for which the Program must account will be provided.

- D. Fees: The first Accounting in any 12-month period will be provided without charge. Refer to the County fee schedule for subsequent Accounting requests within the 12-month period. The Program will inform the individual in advance of the estimated fee and provide the individual with an opportunity to withdraw or modify the request for the subsequent Accounting so that the individual may avoid or reduce the fee.
- E. Contents: The Accounting will be in writing and include the following information for each disclosure:
1. Date of the disclosure;
  2. Name of the person or entity who received the PHI and the address, if known;
  3. A brief description of the PHI disclosed; and
  4. A brief statement of the purpose for the disclosure (In lieu of a statement, the Program may, at its option, provide a copy of the original written request for disclosure.)
- F. Multiple Disclosures:
1. If the Program has made multiple disclosures to the same person or entity for the same purpose during the accounting period, it may account for these disclosures as follows:
    - i. For the first disclosure, follow “Contents” section above;
    - ii. For subsequent disclosures, the frequency or number of disclosures will be provided; and
    - iii. For the last disclosure, the date of the disclosure will be provided.
  2. The Program may only utilize this Multiple Disclosures procedure if the disclosure was permitted or required by law without an authorization (See HHS Policy L-25).
- G. Response Time: The Program shall respond no later than sixty (60) calendar days after the request is received. If the Program does not believe it can respond within sixty (60) days, it will notify the Agency Privacy Officer (APO) by the forty-fifth (45<sup>th</sup>) day. Written notice that the Program will take longer than sixty (60) days to respond must be provided to the individual within sixty (60) days of receiving the request and must be approved by the APO.
- H. Special Procedures: In cases involving 50 or more records when an Institutional Research Board or Privacy Board has waived the requirement for the individual’s authorization, the Program should contact the APO.
- I. Temporary Suspension of Accounting Rights: The Program may temporarily suspend an individual’s right to an Accounting made to a health oversight agency or law enforcement official, if requested by the agency or official. Such requests shall be immediately brought to the attention the APO and the APO’s approval shall be received before any Accounting is suspended.

**QUESTIONS/INFORMATION:** HHS Privacy Officer at 619-338-2808