1.0 PURPOSE

The purpose of the University of Mississippi Medical Center (UMMC) Accounting of Disclosures of Protected Health Information (PHI) Policy is to outline the Health Insurance Portability and Accountability Act (HIPAA) regulations for accounting of disclosures of (PHI) that have occurred for a period of up to six years prior to the date of the request.

2.0 SCOPE

University of Mississippi Medical Center (UMMC) shall adhere to the regulations set forth by HIPAA to protect the privacy of health information.

3.0 STANDARDS

3.1 Documentation specifications of HIPAA:

- A copy of the written accounting that is provided to the individual, as provided for in this policy should be kept for a period of six years.

- The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals must be kept for six years.

3.2 Accounting of Disclosures:

3.2.a All requests for accounting of disclosure should be sent to the Office of Integrity and Compliance.
3.2.b The requestor must include in the request a specific time frame for which he/she would like UMMC to make the accounting. For instance, the individual may request that we provide to him/her an accounting of disclosures made within the last three years. But, UMMC does not have to account for disclosures made more than six years prior to the date of the request and UMMC does not have to account for any disclosures made prior to April 14, 2003, which is a date set by the HIPAA Privacy Standards.

3.2.c The release of information of the respective service area must provide the information, required by HIPAA to be included in an accounting of disclosure, to the Office of Integrity and Compliance.

3.2.d The following information is required by HIPAA to be included in an accounting of disclosures:
   - The date of the disclosures;
   - The name of the entity or person who received the PHI and if known, the address of such entity or person;
   - A brief description of the PHI disclosed; and
   - A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure or in lieu of such statement, a copy of a written request for disclosure, such as a request from the Secretary of Health and Human Services.

3.2.e If, during the time period covered by the accounting, UMMC has made multiple disclosures to the same person or entity for a single purpose pursuant to a single authorization where the authorization asks for multiple copies of the same information, UMMC can provide the following in its accounting:
   - The information required by 3.2.d above for the first disclosure;
   - The frequency, periodicity, or number of subsequent disclosures made during the accounting period; and
   - The date of the last such disclosure of the accounting period.
3.3 Time limit on fulfilling request and charges associated with fulfilling requests:
- UMMC will fulfill the individual’s request for an accounting no later than 60 days after the receipt of such a request; or
- If for some reason, UMMC is unable to fulfill this request within 60 days, UMMC may extend the timeframe no more than 30 days.
- UMMC will provide the individual with a written statement of the reasons for the delay and the date by which UMMC will provide the accounting. This written statement will be provided within the original 60-day timeframe.
- UMMC will only request such extension only once per request.
- UMMC will provide the first accounting in any 12-month period free of charge. For subsequent requests within the same 12-month period, UMMC will impose a reasonable cost-based fee.
- All individuals will be notified in advance of such fees and will be provided with an opportunity to withdraw or modify any subsequent request for accountings in order to avoid or reduce the fee.

3.4 Exceptions to the accounting of disclosures:
There are some disclosures that do not have to be included in the accounting of disclosures. These include:
- Disclosures used to carry out treatment, payment and health care operations;
- Disclosures made pursuant to an authorization signed by the individual or his/her representative;
- Disclosures of PHI about an individual made to the individual;
- Disclosures made through the facility directory;
- Disclosures made to persons involved in the individual’s care;
- Disclosures made for notification purposes, such as to assist law enforcement in notifying family members of an individual brought to the ER from an accident scene;
• Disclosures for national security or intelligence purposes;
• Disclosures to correctional institutions (prisons) or law enforcement officials about the health of an inmate;
• Disclosures that occurred prior to April 14, 2003; and
• Certain disclosures to health oversight agencies and law enforcement officials. They have the right to request that UMMC suspend an individual’s right to request an accounting of disclosures. The agency or law enforcement official can make the request orally or in writing. The request must indicate that an accounting to the individual would be reasonably likely to impede the agency’s or law enforcement official’s activities. This statement must also specify the time for which such a suspension is required.

3.5 All other types of disclosures must be included in the accountings. These include but are not limited to:
• Disclosures made for research purposes pursuant to a waiver of authorization, for preparing research protocols, and if the research will be using records of deceased individuals only. See 3.6 below.
• Disclosures to health oversight agencies, such as the Medicaid Fraud Unit of Attorney General’s Office, unless UMMC has been requested to suspend the patient’s right to an accounting by a health oversight agency or a law enforcement official, as addressed in 3.4 above and 3.7 below.

3.6 Under HIPAA, UMMC will have to account for disclosures made for research purposes when:
• The primary investigator has been granted an IRB waiver of individual authorization;
• The provision of access to the researcher has been given in order for the primary investigator to prepare a research protocol; or
• If the research will be using only records of deceased individuals.
Note: In relation to research, “A disclosure of PHI means communicating that information to a person or entity outside the covered entity, or the communication of PHI from a health care component to a non-health care component of a hybrid entity.”

–Protecting Personal Health Information in Research: Understanding the HIPAA Privacy Rule. NIH Publication

UMMC will provide with each accounting of disclosures a listing of research protocols, which will include:

- The name of the studies or protocols being conducted;
- A description of the purpose of the study (in plain language);
- Type of PHI sought for the study;
- Name address and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed;
- A statement that the PHI of the individual may or may not have been disclosed for a particular protocol or other research activity; and
- The time frame of the disclosure (i.e. the PHI was disclosed to the primary investigator during the months of April 2003 through May 2003)

When requested by the individual, UMMC must provide assistance in contacting those researchers to whom it is likely that the individual’s PHI was actually disclosed.

3.7 Suspending an individual’s right to receive an accounting of disclosure:
There are instances where UMMC will be requested to suspend an individual’s right to an accounting of disclosures by a healthcare oversight agency such as the U.S. Office of Inspector General or the Medicaid Fraud Division of the State Attorney General’s Office, or to other law enforcement officials, such as Campus Police. Officials making such a request should be directed to the release of information area as applicable, to present a written request. If the request is being made after normal business hours,
weekends or during holidays, a nurse or physician may take the request but, should ensure that the request is sent to the release of information area as appropriate. Questions should be referred to the UMMC Office of Integrity and Compliance.

The agency or law enforcement official should preferably make the request in writing, but it can be made orally.

- Requests in writing:
  The agency or law enforcement official should, in a written statement, indicate that providing an accounting of disclosures to the individual would be reasonable likely to impede the agency’s or official’s activities; and

  The agency or law enforcement official should specify the time for which the suspension is required.

- Requests made orally:
  If the agency or official makes the request orally, UMMC must do the following:
  - Document the statement including the identity of the agency or official making the statement; and
  - Temporarily suspend the individual’s right to an accounting of disclosures subject to the statement.

  UMMC will suspend the individual’s right to receive an accounting of disclosures, pursuant to the oral request from an agency or official, for no longer than 30 days from the date that the oral statement was made. This time frame will not be extended, unless a written statement specifying a timeframe is presented to UMMC from the agency or official.

4.0 CONTACT INFORMATION
Policy Name: Accounting of Disclosures Policy  
Category: HIPAA Privacy

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For questions about the UMMC Accounting of Disclosures of Protected Health Information (PHI) Policy or for more information, call the Office of Integrity and Compliance at 815-3944.