



Individual's Access to Protected Health Information (PHI)

Policy # 3.7

Accounting of Disclosures

Original Effective
Date: 6/21/2016

Revised Date:

Purpose: Establish policies and procedures that govern how Individual requests for disclosures will be handled.

Policy: Travis County Covered Components provide Individuals with a list of instances in which the Individual's PHI was disclosed during the six years prior to the date of the request unless the County must temporarily suspend the Individual's right because of a valid law enforcement or health oversight agency activity. Covered Components provide the first list, or accounting, of disclosures requested in a twelve-month period at no charge.

Procedures:

1. Workforce members provide Form 8, Request for Accounting of Disclosures, to Individuals who wish to make a request for an accounting of disclosures of their PHI. The Individual is instructed to complete and submit the Form to the Privacy Officer.
2. The Privacy Officer receives and logs this form. When the accounting is requested from a Covered Component that is a non-Commissioners Court department, the Privacy Officer contacts the Privacy Liaison to obtain the appropriate tracking logs.
3. The Privacy Officer forwards the request to the Covered Component(s) that maintains the Individual's Designated Record Set. Where the requested accounting covers disclosures of PHI made by a Business Associate of a Travis County Covered Component, the Privacy Officer confers with that Business Associate to obtain the information needed to provide an accounting of such disclosures.
4. The Covered Component compiles a list of all instances in which the requesting Individual's PHI was disclosed during the six years prior to the date of the request (the "Accounting"). The contents of the Accounting contains:
 - Disclosures for the six years before the request OR for any shorter time period requested by the Individual;
 - Date of the disclosure;
 - Name of the entity or person who received the PHI and the address, if known;
 - A brief description of the PHI disclosed;
 - A brief statement of the reason for the disclosure, or a copy of a written request for the disclosure (for example, a letter from a public health official); and

- Any one of the following:
 - a brief statement of the purpose of the disclosure that reasonably informs the Individual of the basis for the disclosure;
 - a copy of the Individual's written authorization; or
 - a copy of the written request for disclosure made by a government entity.
5. For certain disclosures that occur on a regular basis, the Covered Component may provide a summary Accounting. A summary Accounting is permissible if, during the six (6) years prior to the request, the Covered Component has made multiple disclosures of PHI:
- a. To the same recipient pursuant to a single authorization signed by the Individual;
 - b. To the Department of Health & Human Services so that the Department could investigate or determine the Covered Component's compliance with HIPAA; or
 - c. To the same person or entity for a single national priority purpose.
 - the dates of the *first and last* disclosure
 - the frequency or number of disclosures during the accounting period.

In these circumstances, the Covered Component may limit the Accounting related to a series of disclosures to the following information:

- the core elements, as set forth in Procedure 4, for the first disclosure in the Accounting period;
 - the frequency or number of the disclosures made during the accounting period; and
 - the date of the most recent disclosure in the series during the accounting period.
6. The Accounting may, but is NOT required, to contain disclosures that were made:
- to carry out treatment, payment, or health care operations
 - to the Individual or to persons involved in the Individual's care where the requestor verbally agreed to the disclosure;
 - incidental to another permissible or required use or disclosure of PHI (as long as reasonable safeguards were observed and the minimum necessary standard was applied to the underlying communication);
 - pursuant to a valid authorization;
 - for notification purposes, such as identifying or locating a family member, or informing a family member or personal representative of the Individual's general condition or death;
 - for national security or intelligence purposes;
 - to correctional facilities or law enforcement officials; or
 - as part of a Limited Data Set.
7. The Accounting is provided to the Privacy Officer, who must forward such list to the requesting Individual no later than 60 days after receipt of the Individual's request and, when applicable, payment of the cost-based fee described in Procedure 8. If the Privacy Officer is unable to fulfill the request within this timeframe, the Privacy Officer may extend the time to provide the Accounting by 30 days. He

or she informs the requesting Individual in writing of the reason for the delay in response and the expected date by which the Covered Component will respond.

- NOTE: A health oversight agency or law enforcement official may request (orally or in writing) that a Covered Component temporarily suspend an Individual's right to receive an accounting of disclosures related to an activity of the health oversight agency or law enforcement official.

When an oral request is made, the Covered Component:

- Documents the statement, including the identity of the agency or official making the statement;
- Temporarily suspends the individual's right to an accounting of disclosures subject to the statement; and
- Limits the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement from the agency or official is submitted during that time.

When a written request is made, the Covered Component forwards such request to the Privacy Officer who suspends an Individual's right to receive an accounting of these disclosures for the time specified in the written request.

8. Charges for Accounting of Disclosures. Although the first Accounting within a twelve month period is free of charge, Travis County charges a reasonable, cost-based fee for all additional requests for Accounting from the same Individual within a twelve (12) month period. When an Individual requests more than one Accounting in a twelve month period, the Individual is notified of the charge for the additional Accounting, and is given the opportunity to modify or withdraw his or her request in advance of its processing.
9. Documentation. The Privacy Officer documents and retains a copy of the written accounting of disclosures made to the Individual for a period of at least six years from the date of its creation. A copy of the Accounting is also filed in the Individual's record.