

SUBJECT: HIPAA TRACKING DISCLOSURES OF  
PROTECTED HEALTH INFORMATION

EFFECTIVE  
DATE: 04-15-11 (replaces 04-01-05)

APPROVED BY:

Reviewed (no changes): \_\_\_\_\_  
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Executive Director

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POLICY

It is the policy of McIntosh Trail Community Service Board to provide consumers with the right to obtain an accounting of certain disclosures of PHI made during the six (6) years prior to the request. The organization has appointed a Privacy Officer who is responsible for the oversight of requests for disclosures of PHI from external authorities in compliance with law and limited to the relevant requirements of that law.

PROCEDURE

The decision about whether to disclose without the consumer's authorization or agreement will most often be made by the Privacy Officer in consultation with the treating professional or other direct care staff person involved in the consumer's treatment. The Privacy Officer may delegate this responsibility to others in the organization pursuant to a standing order for disclosures that are routine or on a case-by-case basis. The Privacy Officer will contact the organization's lawyer if legal assistance is needed.

- A. Disclosures for purpose of treatment, payment or health care operations are excluded from the disclosure tracking and accounting requirements. Other excluded disclosures are those made:
1. Prior to the effective date of the rule (April 14, 2003).
  2. To law enforcement officials or correctional institutions who have legal custody of the individual, where the disclosure is for treatment of the individual or the health and safety of other inmates and staff.
  3. To the consumer.
  4. For national security or intelligence purposes.
  5. To persons involved in the individual's care.
  6. For notification purposes to the consumer's guardian or representative as defined in the Georgia mental health code, when the disclosure relates to the consumer's treatment or payment for treatment.
  7. Pursuant to the consumer's written authorization.
- B. All disclosures of PHI will be tracked by documenting and retaining the accounting of all such disclosures on the Accounting of Disclosures form available in FormDocs.
- C. Consumers can request an accounting of disclosures for a period of up to six (6) years prior to the date of the request; disclosures made prior to April 14, 2003, the compliance date for the Privacy Rule, are excluded from this requirement.
- D. A consumer may receive one (1) disclosure accounting in a twelve month period free-of-charge; a reasonable fee may be charged for more frequent accounting requests.

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PROCEDURE (CONTINUED)

- E. Consumers must be provided an accounting of disclosures within sixty (60) days of a request; if the organization cannot provide an accounting of disclosures within the sixty-day period, it must provide information to the requestor as to the reason for the delay and the expected completion date; only one (1) extension is allowed per request.
- F. The organization may temporarily suspend the right to an accounting to the consumer of disclosures for health oversight agencies or law enforcement officials contingent upon submission to the agency of a statement that indicates an account of disclosure will impede an investigation of the consumer in question; the statement should include a time-frame for the exclusion period; the statement may be oral, but the exclusion period is then limited to thirty (30) days unless appropriate written documentation is received within that time; although the accounting of disclosure is not being released during this time, the organization should continue tracking and storing the information for future release.
- G. Recurring disclosures to the same entity or individual that have a regular interval or an authorization with multiple disclosures may have a summary entry; the summary entry requires all of the information specified on the Accounting of Disclosures form, for the first disclosure, plus an indication of periodic interval (monthly, weekly, etc.) and the date of the last disclosure.
- H. All documentation related to the tracking of disclosures of PHI must be filed in the clinical record.
- I. For addictive disease treatment programs, the following disclosures are typically made without consumer consent and must therefore be included in an accounting disclosures:
- a. Disclosures to health oversight agencies;
  - b. Disclosures to researchers that include consumer-identifying information;
  - c. Disclosures to public health authorities;
  - d. Court-ordered disclosures;
  - e. Reports of consumer crimes on program premises or against program personnel;
  - f. Child abuse and neglect reports.