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Title: Individual's Right to Receive an Accounting of Disclosures		
Regulatory Authority: HIPAA Regulations, FERPA Regulations, ORC, OAC		
Effective Date: 01/19/2021		
Reviewer/Job Title: Director of Operations		

(A)Individual's Right to Receive an Accounting of Disclosures
In accordance with HIPAA Regulations, Individuals must be told, if they ask, what personal health information has been sent to whom and why.

Audience

Privacy Officer, Supervisors

REFERENCES

45 CFR §164.528

45 CFR 164.528(d) Individual's right to an accounting of disclosures of PHI

34 CFR 99.32 FERPA Recordkeeping requirements concerning requests and disclosures

1) **Proper Records.** The Privacy Officer shall be responsible for insuring that proper records are kept to allow for proper and complete responses to any requests for accountings of disclosures. See also procedures listed in 1090 Disclosures that do Not Require an Authorization and 1050 Authorizations which detail the use of the Disclosure Log.
2) **Individual's Right to Request Accounting of Disclosures of PHI.** Generally, an individual has the right to request an accounting of disclosures of their PHI by HCBDD and its business associates during a time period of up to six years prior to the date of the individual's request. Most disclosures are **not** required to be included in the accounting. The types of disclosures which are **not** required to be accounted for are:
   a) For the purposes of treatment, payment and health care operations (45 CFR §164.502)
   b) To the individual receiving services, or to a parent, guardian or personal representative, of the individual's own PHI (45 CFR §164.502)
   c) Incidental disclosures, as detailed in (45 CFR §164.502);
   d) Pursuant to an authorization (45 CFR §164.508);
   e) To persons involved in the individual's care or other notification purposes (45 CFR §164.510);
   f) For national security and intelligence purposes, as detailed in (45 CFR §164.512(k)(2);
   g) Disclosures to prisons and other law enforcement agencies regarding an individual who is in custody, as detailed in (45 CFR §164.512(k)(5).

3) **Employee Documentation of Disclosures.** Any employee who makes a disclosure other than listed above shall document the disclosure in the Individual File, with all information described in step 5b below. More specifically, the following types of disclosures must be documented:
   a) To public health authorities
   b) Birth and death reporting
   c) To law enforcement regarding crime on premises
   d) To law enforcement in emergencies where crime is suspected
   e) For cadaveric organ, eye, tissue donation purposes
   f) For judicial and administrative proceedings
   g) For research with an IRB waiver
   h) To military command authorities
   i) For Workers Comp purposes
   j) To correctional institutions except as detailed in 2G above
   k) About decedents to medical examiners, funeral directors, coroners
   l) For public health activities
   m) About victims of abuse
   n) Regarding child abuse or neglect
   o) To the FDA
   p) To a person who may have been exposed to a communicable disease
   q) To health oversight agencies for audits, civil or criminal investigations, inspections, licensure or disciplinary actions
   r) In response to a court order
   s) In response to a subpoena or discovery request
   t) As required by law for wound or injury reporting
   u) For identification & locating suspect or fugitive
   v) Unlawful and unauthorized disclosures we have knowledge of

4) **Requests to Suspend Individual's Right to Disclosure.** Health oversight agencies and law enforcement officials may request a suspension of an individual's rights to disclosure. If such a request is received, follow procedures in 45 CFR § 164.528.

5) **Compliance with Request for Accounting Within 45 Days.** The HIPAA Privacy Officer shall comply with an individual's request for an accounting within 45 days of the request. The HCBDD does not charge a fee for accountings.

6) **The written accounting must meet the following requirements**:
   a) All disclosures of the Individual's PHI during the 6 years prior to the request (or such shorter period as is specified in the request) as stated above.
   b) As to each disclosure, the accounting must include:
      ii) The date of the disclosure.
      iii) The name of the entity or person who received the PHI, and, if known, the address of such entity or person.
      iv) A brief description of the PHI disclosed.

v) A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis of the disclosure, or as an alternative, a copy of the request for the disclosure.
vi) If during the time period for the accounting, multiple disclosure have been made to the same entity or person for a single purpose, the accounting may provide the information as set forth above for the first disclosure, and then summarize the frequency, periodicity, or number of disclosure made during the accounting period and the date of the last such disclosure during the accounting period.
vii) If the accounting request includes school records, consult legal counsel regarding the need to obtain records of re-disclosures by state or local school officials (see 34 CFR 99.32).

c) HCBDD will retain documentation (in written or electronic format) for a period of 6 years:
i) All information required to be included in an accounting of disclosures of PHI.
ii) All written accountings provided to individual.