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Owner: David Behinfar: HCS-Privacy Dir
Policy Area: HIPAA - Privacy
Policy Tag Groups:
Applicability: UNCHCS - All except Pardee

Right to Accounting of Disclosure Policy

APPLICABILITY:

This policy applies to the following entities (collectively referred to as "UNC Health Care System" or "UNCHCS" in this policy):

✓ UNC Health Care System/UNC Medical Center*	✓ Johnston Health
✓ UNC Physicians Network	✓ Lenoir Memorial Hospital
✓ UNC Physicians Network Group Practices	Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	✓ Nash Healthcare System / Nash Hospitals
✓ Chatham Hospital	✓ Wayne UNC Health Care
✓ Caldwell Memorial Hospital	
✓ UNC Rockingham Health Care / UNC Rockingham Hospital	

* UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine UNC-Chapel Hill (including UNC faculty physicians).

I. Description

UNCHCS recognizes that a patient has a right to receive an accounting of disclosures of protected health information (PHI) made in the six years prior to the date on which the accounting is requested, with some exceptions. UNCHCS shall act on the patient's request for an accounting no later than sixty (60) days after receipt of such a request.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store, transmit, access or use any patient information in support of clinical purposes for UNCHCS or any other healthcare entity.

II. Policy

A. Maintaining An Accounting:

1. **Written Accounting of Disclosures.** The staff of the UNCHCS Member Facility that make disclosures of PHI (typically Health Information Management (HIM)) are responsible for maintaining a written accounting of those disclosures that meet the accounting requirements on the UNCHCS [Daily Accounting of Disclosures Log](#). This written accounting shall include:
 - a. The date of the disclosure
 - b. The name of the person or entity who received the PHI and, if known, the address of such person or entity;
 - c. A brief description of the PHI disclosed; and
 - d. A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure or, instead of a statement, a copy of the written request for a disclosure.
2. **Disclosures for which an Accounting Must be Made.** For types of disclosures for which an accounting of disclosure must be made - see Appendix A.
3. **Disclosure that are not required to be Included in an Accounting of Disclosures.** For types of disclosures for which an accounting of disclosure is not required - see Appendix B.
4. **Where Disclosures Must be Tracked:**
 - a. Paper Form. Disclosures may be tracked on the [Daily Accounting of Disclosures Log](#). Disclosures which cannot be tracked in any other repository or in any system (such as in Epic through "Quick Disclosure"), must be tracked on this paper form.
5. **Multiple Disclosures to Same Entity/Individual for Single Purpose.** If during the period covered by the accounting, the facility has made multiple disclosures of PHI to the same person or entity for a single purpose, the accounting may provide
 - a. The information required by paragraph 1 above for the first disclosure during the accounting period;
 - b. The frequency, periodicity, or number of the disclosures made during the accounting period; and
 - c. The date of the last such disclosure during the accounting period.
6. **Submission by a Patient for an Accounting of Disclosures (Form).** Upon a patient's request for an accounting of a UNCHCS Member Facility's disclosures of their PHI, the patient shall be provided with a [Request for Accounting of Disclosures Form](#). A patient's request for an accounting of disclosures of their PHI must be made in writing using the UNCHCS [Request for Accounting of Disclosures Form](#). [UNCHCS Facilities may use the [Request for Accounting of Disclosures Form](#) or a substantially similar form]
7. **Process for Reviewing Requests by Patients for an Accounting of Disclosures.** The patient shall be provided with an accounting of disclosures of their PHI within sixty (60) days after the receipt by a UNCHCS Member Facility of the patient's request. The written response to the patient shall be made by HIM. If action cannot be taken within sixty (60) days, the deadline may be extended by an additional thirty (30) days if, within the initial sixty (60) days of the receipt by the UNCHCS Member Facility of the request, the patient is provided with a written statement from HIM describing the reasons for the delay and the date by which the accounting will be provided (no later than 30 days from the original deadline).
8. **Denying a Request for an Accounting of Disclosures.** If a patient's request for an accounting is denied, the denial shall be provided promptly to the patient in writing. The denial must:

- a. Be in plain language;
 - b. Contain the basis for the denial; and
 - c. Contain a description of how the patient may file a complaint with the UNCHCS Facility (addressed to the UNCHCS Facility Privacy Officer).
9. **Providing an Accounting of Disclosures to the Patient – imposing a fee/charge.** The first accounting requested by a patient in any twelve (12) month period shall be provided without charge. Reasonable, cost-based fees may be imposed for each subsequent request for an accounting made by that patient within the same twelve (12) month period, provided that the patient is informed of the charge in advance and the patient is entitled to withdraw the request for a subsequent accounting in order to avoid the fee.
10. **Suspension of Patient's Right to Receive an Accounting.** A patient's right to receive an accounting of disclosures to a health oversight agency or law enforcement official shall be temporarily suspended if such agency or official provides a written statement stating that such an accounting to the patient would be reasonably likely to impede the agency's activities and specifying the duration of time for which such a suspension is required. Such statement by an agency or law enforcement official must be documented. If the statement is provided orally, the temporary suspension shall be no longer than thirty (30) days from the date of the statement provided that the statement is documented, unless the statement is submitted in writing within the 30-day period.
11. **IRB Approved Research and the Obligation of the Researcher for Tracking Disclosures for Research Purposes.**
- a. Any individual performing research approved by the UNC Institutional Review Board (IRB) must track disclosures to third parties of any PHI received from a UNCHCS Facility that is disclosed to a third party for which a prior authorization from the subject has not been received (typically in the event of a waiver of authorization issued by the IRB).
 - b. In the event the individual researcher discloses PHI for a particular research purpose for fifty (50) or more individuals, the accounting may, with respect to such disclosures for which the PHI about the individual may have been included, provide an aggregated description of data disclosed as follows:
 - i. The Name of the protocol or other research activity;
 - ii. A description, in plain language, of the research protocol or other research activity, including the purpose of the research and the criteria for selecting particular records;
 - iii. A brief description of the type of PHI disclosed;
 - iv. The date, or period of time during which such disclosures occurred, or may have occurred, including the date of the last such disclosure during the accounting period;
 - v. The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and
 - vi. A statement that the PHI of the individual may or may not have been disclosed for a particular protocol or other research activity.
12. **Documentation Requirement.** Every request made by a patient for an accounting, and the accounting provided to the patient, must be documented and retained, for at least 6 years.

III. Definitions

Designated record set - means:

1. A group of records maintained by or for UNCHCS that is:
 - a. The medical records and billing records about individuals maintained by or for a covered health care provider;
 - b. The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or
 - c. Used, in whole or in part, by or for the covered entity to make decisions about individuals.
2. the term "record" means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for UNCHCS.

IV. References

45 C.F.R. § 164.528

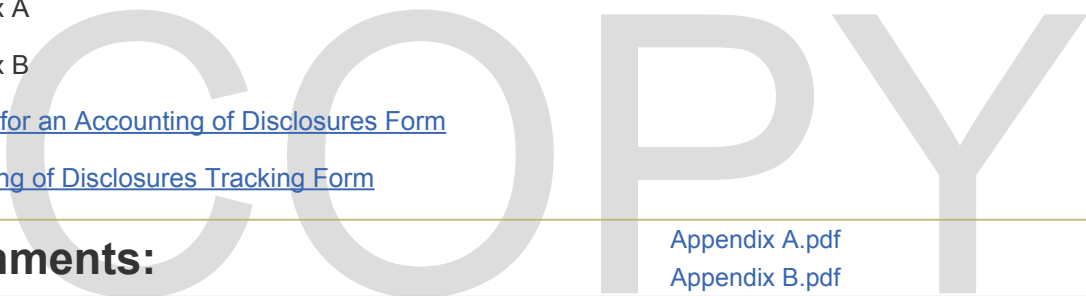
V. Related Policies/Forms

Appendix A

Appendix B

[Request for an Accounting of Disclosures Form](#)

[Accounting of Disclosures Tracking Form](#)



Attachments:

[Appendix A.pdf](#)

[Appendix B.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Jerylyn Williams: VP Chief Audit & Comp Officer	01/2019
SYSTEM Site Administrator	Emilie Hendee: HCS-Sr Attorney	01/2019
	David Behinfar: HCS-Privacy Dir	01/2019

Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash Health Care, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital