Patient Right to an Accounting of Disclosures of PHI

Purpose

To establish guidelines for reviewing a patient's right to receive an accounting of disclosures of protected health information ("PHI") made by Associated Dentist - St. Paul.

Policy

I. Right to an Accounting of Disclosures of PHI

    A. A patient has a right to receive an accounting of disclosures of PHI made by Associated Dentist - St. Paul in the 6 years prior to the date on which the accounting is requested, except for certain disclosures that Associated Dentist - St. Paul is not required to document under the HIPAA Privacy Rule, as discussed further below.

II. Responding to an Accounting of Disclosures

    A. Generally, within 60 days of receiving a patient's request for an accounting of disclosures, Associated Dentist - St. Paul will provide an accounting of all disclosures of PHI that have been made during the time period for which the accounting was requested, unless an extension is required.

    B. The written accounting must include certain required elements, as discussed further below.

    C. Associated Dentist - St. Paul will provide an annual accounting to a patient without charge, but may charge a reasonable, cost-based fee to the patient for any subsequent accounting within the same 12 month period, unless the accounting is provided to the patient in electronic form.

Procedure

I. Right to an Accounting of Disclosures of PHI

    A. A patient has a right to receive an accounting of disclosures of PHI made by Associated Dentist - St. Paul in the 6 years prior to the date on which the accounting is requested, except for the following disclosures:

        i. To carry out treatment, payment, and health care operations;

        ii. To the patient;

        iii. Incident to a use or disclosure otherwise permitted or required by the HIPAA Privacy Rule;

        iv. Pursuant to an authorization;

        v. For the facility's directory or to persons involved in the patient's care or other notification purposes;

        vi. For national security or intelligence purposes;

        vii. To correctional institutions or law enforcement officials;

        viii. As part of a limited data set; or

        ix. That occurred before the compliance date for Associated Dentist - St. Paul.

II. Responding to a Request for an Accounting of Disclosures

    A. Any written request for an accounting will be given to the Associated Dentist - St. Paul Privacy Officer. If a patient requests an accounting orally, the Associated Dentist - St. Paul workforce

member will notify the patient that the request must be in writing and may provide a standard form for making such request.

B. Upon receiving a written request for an accounting, the Privacy Officer will:

    i. Contact all business associates who have received the patient's PHI in question and request a copy of the business associate's accounting log and/or research disclosures log regarding the patient;

    ii. Provide the patient with a copy of the entries in the Associated Dentist - St. Paul accounting log and/or research disclosures log pertaining to the patient for the time period that the accounting is requested (up to 6 years preceding the request); and

    iii. To the extent possible, prepare the requested accounting within 60 days of receiving the request, unless an extension is required.

C. If Associated Dentist - St. Paul is unable to provide the accounting within 60 days of receiving the request, the time period for providing a response may be extended by 30 days provided that, during the initial 60 day period, the patient is notified of the reasons for the delay and is informed when the accounting will be provided.

D. Associated Dentist - St. Paul must provide a patient with a written accounting that relates to all documented disclosures, including disclosures to or by a business associate of Associated Dentist - St. Paul made during the accounting period. The written accounting must include:

    i. The date of the disclosure;

    ii. The name of the entity or person who received the PHI and, if known, the address of such entity or person;

    iii. A brief description of the PHI disclosed; and

    iv. A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure or, in lieu of such statement, a copy of a written request for a disclosure.

E. If multiple disclosures to the same person or entity are included in the accounting, the accounting will include:

    i. The information set forth above in Section I.B, for the first disclosure made to such person or entity during the accounting period;

    ii. The frequency, periodicity or number of disclosures made during the accounting period; and

    iii. The last date that multiple or periodic disclosures were made to the person or entity.

F. If, during the period covered by the accounting, Associated Dentist - St. Paul has made disclosures of PHI for a particular research purpose as permitted by the HIPAA Privacy Rule for 50 or more individuals, the accounting may, with respect to such disclosures, provide:

    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 PHI that was 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 patient's PHI may or may not have been disclosed for a particular protocol or other research activity.

G. Associated Dentist - St. Paul will provide an annual accounting to a patient without charge, but may charge a reasonable, cost-based fee to the patient for any subsequent accounting within the same

twelve (12) month period.

III. Suspension of the Right to Receive an Accounting of Disclosures

    A. Associated Dentist - St. Paul must temporarily suspend a patient's right to receive an accounting of disclosures to a health oversight agency or law enforcement official, for the time specified by such agency or official, if such agency or official provides Associated Dentist - St. Paul with a written statement that such accounting to the patient would be reasonably likely to impede the agency's activities and specifying the time for which such a suspension is required.

    B. If the agency or official provides an oral statement that an accounting of the disclosures that have been, or are being, made to the agency or official would be reasonably likely to impede the agency or official's activities, Associated Dentist - St. Paul must:

        i. Document the statement, including the identity of the agency or official making the statement;

        ii. Temporarily suspend the patient's right to an accounting of disclosures subject to the statement; and

        iii. Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement is submitted during that time.

IV. Documentation

    A. Associated Dentist - St. Paul must make a record of the disclosure and file said record in the patient's record.

    B. Associated Dentist - St. Paul must document the following and the retain such documentation for a period of 6 years:

        i. The information required to be included in the accounting;

        ii. The written accounting that is provided to the individual; and

       iii. The titles of the persons or offices responsible for receiving and processing the requests for an accounting.

References

Sources:

    I. 45 C.F.R. § 164.528

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