
 <p>HAWAII HEALTH SYSTEMS CORPORATION <i>"Quality Healthcare for All"</i></p>	<p>Department:</p> <p>Quality Through Compliance</p>	<p>Policy No.:</p> <p>CMP 040A</p>
	<p>Issued by:</p> <p>Audit and Compliance Committee</p>	<p>Revision No.:</p>
<p>POLICY</p>	<p>Approved by:</p>  <p>HHSC Board of Directors By: Carol A. VanCamp Its: Secretary/Treasurer</p>	<p>Effective Date:</p> <p>September 19, 2013</p>
<p>Subject:</p> <p>HIPAA Patient Right to Accounting of Disclosures</p>		<p>Supersedes Policy:</p>
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Last Reviewed: August 19, 2013. Next Review: August 19, 2016

- I. **PURPOSE:** This Policy establishes a patient's right to receive an accounting of disclosures of protected health information made by Hawaii Health Systems Corporation (HHSC).
- II. **DEFINITIONS:**
Disclosure – The release, transfer, provision of access to, or divulging in any manner of information outside HHSC.

Protected Health Information (PHI) – Health information, including demographic information collected from an individual created or received by HHSC that:

1. Identifies the individual or for which there is reasonable basis to believe the information can be used to identify an individual.
2. Relates to:
 - a. The individual's past, present, or future physical or mental health or condition;
 - b. The provision of health care to the individual, or;
 - c. The past, present, or future payment for the provision of health care to the individual.
3. Is stored or transmitted in any medium.
4. Are not federally funded educational records (FERPA-Family Educational Rights and Privacy Act), or in employment records held by a covered entity in its role as employer, or in records described at 20 U.S.C. 1232g(a)(4)(B)(iv), or regarding a person who has been deceased for more than 50 years.

HHSC – For purposes of this Policy, HHSC, refers to either HHSC as a whole or one of its facilities

- III. **POLICY:**
- A. Requirements of the Accounting:
1. Upon request, HHSC will provide to an individual an accounting of disclosures of the individual's protected health information in accordance with the requirements of this policy.
 2. Disclosures by HHSC's business associates that meet the accounting requirements must be maintained as part of HHSC's accounting.
 3. Exceptions to the Accounting of Disclosures: The requirement for an accounting of disclosures does not include disclosures for the following:
 - a) To carry out treatment, payment and health care operations
 - b) To the patient

- c) Incident to a use or disclosure otherwise permitted or required
- d) Pursuant to a valid authorization
- e) For the facility's directory or to persons involved in the patient's care or other notification purposes
- f) For national security or intelligence purposes
- g) To a correctional institution or other law enforcement official having lawful custody of an inmate
- h) As part of a limited data set
- i) That occurred prior to April 14, 2003

B. Content of the Accounting:

1. The written accounting must include disclosures of protected health information, including disclosures to or by business associates of HHSC that occurred during the six years prior to the date of the request for the accounting, unless the patient requests an accounting for a shorter period.
2. For each disclosure the accounting must provide:
 - a) The date of the disclosure
 - b) The name of the entity or person who received the protected health information and, if known, his, her or its address
 - c) A brief description of the protected health information disclosed; and;
 - d) A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure. In lieu of this statement, a copy of a written request for the disclosure from the appropriate authority may be presented.
3. Multiple Disclosures: If during the period of the accounting, HHSC has made multiple disclosures of protected health information to the same person or entity for a single purpose, the accounting, with respect to these multiple disclosures, may provide:
 - a) The four elements of an accounting for the first disclosure as described in III.B.2. above
 - b) The frequency, periodicity, or number of the disclosures made during the accounting period for the rest of the disclosures, and;
 - c) The date of the last such disclosure during the accounting period.
4. Research: If, during the period covered by the accounting, HHSC has made disclosures of protected health information for a particular research purpose involving 50 or more individuals, the accounting will provide:
 - a) The name of the protocol or other research activity
 - b) 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.
 - c) A brief description of the type of protected health information that was disclosed.
 - d) 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.
 - e) The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed, and;
 - f) A statement that the protected health information of the individual may or may not have been disclosed for a particular protocol or other research activity.

- g) If HHSC provides an accounting for research disclosures, and if it is reasonably likely that the protected health information of the individual was disclosed for such research protocol or activity, HHSC shall, at the request of the individual, assist in contacting the entity that sponsored the research and the researcher.
- C. Provision of the Accounting of Disclosures:
- 1. The Health Information Management Department at each HHSC facility shall receive and process all requests from patients or their personal representative for an accounting of disclosures.
 - 2. The accounting will be provided to the patient or the patient's personal representative within 60 days of receipt of the request. If HHSC facility is not able to provide the accounting within 60 days, one 30-day extension is allowed provided that, within the 60 days of the request, the individual will be notified in writing of the need for additional time. The notification will include the reasons for the delay and the date by which the accounting will be provided.
 - 3. Temporary Suspension of the Patient's Right for an Accounting:
 - a) A HHSC facility must temporarily suspend an individual'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 presents HHSC with a written statement that the accounting would be reasonably likely to impede the agency's activities. The statement must specify the time for which such a suspension is required.
 - b) If the agency or official statement required above is made orally, HHSC must:
 - i. Document the statement, including the identity of the agency or official making the statement.
 - ii. Temporarily suspend the individual'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 with a different time frame is submitted during the 30 days.
 - c) If applicable, HHSC facilities shall refer to "Disclosures for Health Oversight Activities 45 CFR§164.512(d)" and "Disclosure for Protected Health Information for Law Enforcement Purpose 45 CFR§164.512(f)".
- D. Fees:
- 1. Fees may be charged as per ADM 0001.
- E. Documentation: HHSC must document the following information and retain the following for six (6) years from the date of its creation:
- 1. The information required to be in an accounting under this policy.
 - 2. Any written accounting that is provided to the individual under this policy, and;
 - 3. The titles of the persons or department responsible for receiving and processing requests for an accounting of disclosures.
- F. Requests for an accounting of disclosures of protected health information held in a medical record:

1. Requests by an individual or the individual's personal representative to receive an accounting of disclosures of protected health information must be made in writing.
 2. All requests shall be referred to Health Information Management Department of the HHSC facility where a request is made.
 3. All disclosures made by HHSC and its business associates will be documented in the individual's medical record.
- G. Requests for an accounting of disclosures of protected health information held in billing:
1. Requests by an individual or the individual's personal representative to receive an accounting of disclosures of protected health information must be made in writing to Patient Financial Services.
 2. All disclosures made by HHSC and its business associates will be documented in the individual's billing records that include his/her electronic account.
- H. HHSC Facilities shall implement procedures to operationalize this Policy.
- IV. APPLICABILITY:** This Policy applies to all HHSC Facilities.
- V. AUTHORITY:** Standards for Privacy of Individually Identifiable Health Information (HIPAA), 45 CFR, Subtitle A, Subchapter C: Section 164.103 – Definitions; Section 164.501 – Definitions; Section 164.504 (e)(2)(ii)(G) – Business Associates; Section 164.512(d) – Uses and Disclosures for Health Care Oversight; Section 164.512(f) – Disclosures for Law Enforcement Purposes; Section 164.528 – Accounting of Disclosures of Protected Health Information; 20 U.S.C. 1232g. ADM 0001.
- VI. ATTACHMENTS:** None.