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SECTION: HIPAA

AREA: HIPAA PRIVACY/SECURITY POLICIES

SUBJECT: ACCOUNTING OF DISCLOSURES OF PHI

PURPOSE

To inform the University of Arkansas for Medical Sciences (“UAMS”) Workforce about documentation requirements and the procedure for UAMS patients to obtain an Accounting of Disclosures of Protected Health Information (“PHI”).

SCOPE

The UAMS Workforce.

DEFINITIONS

Accounting of Disclosures (“Accounting”) shall mean a record of certain types of disclosures of PHI made by UAMS, verbally or in writing, to persons or entities who are not a part of UAMS that UAMS must provide to patients upon their request.

Disclosure shall mean the release, transfer, provision of access to, or divulging of information in any manner (verbally or in writing) by UAMS to persons outside of UAMS or outside the covered components of the UAMS Hybrid Entity.

Protected Health Information (“PHI”) shall mean information that is part of an individual’s health information that identifies the individual or there is a reasonable basis to believe the information could be used to identify the individual, including demographic information, and that (i) relates to the past, present, or future physical or mental health or condition of the individual; (ii) relates to the provision of health care services to the individual; or (iii) relates to the past, present, or future payment for the provision of health care services to an individual. This includes PHI which is recorded or transmitted in any form or medium (verbally, or in writing, or electronically). PHI excludes health information maintained in educational records covered by the federal Family Educational Rights Privacy Act, health information about UAMS employees maintained by UAMS in its role as an employer and health information regarding a person who has been deceased for more than 50 years

UAMS Workforce shall mean physicians, employees, volunteers, resident/fellows, students, and other persons whose conduct, in the performance of work for UAMS, is under the direct control of UAMS, whether or not they are paid by UAMS.

To access any other terms or definitions referenced in this policy, go to the UAMS HIPAA website at hipaa.uams.edu.

POLICY

A UAMS patient has the right under HIPAA to request and obtain an Accounting of Disclosures of the requesting patient's own PHI for up to a period of six years prior to the patient's date of request. UAMS will establish and maintain a system for recording disclosures that are subject to an Accounting of Disclosures as required by HIPAA.

Except for the following disclosures, UAMS will provide patients with an Accounting of all disclosures made, as requested by the patient. Disclosures exempt from an Accounting are disclosures that were made:

- a. for treatment of the patient, for payment of or reimbursement for healthcare services provided to the patient, or for health care operations; see *Administrative Guide Policy 2.1.13, Use and Disclosure of PHI and Medical Records Policy* for more information on the use and disclosure of PHI for treatment, payment and health care operations which do not require patient authorizations and are not subject to an Accounting of Disclosures;
- b. directly to the patient about their own information;
- c. disclosures permitted by a signed patient authorization;
- d. from a patient directory;
- e. to individuals involved in the patient's care;
- f. for national security or other intelligence purposes;
- g. incident to a permitted use or disclosure;
- h. for purposes of a Limited Data Set in which the patient's information that could identify the patient is excluded from the Data Set;
- i. to correctional institutions or law enforcement when the patient is an inmate or otherwise in their lawful custody;
- j. disclosures to and by Business Associates with whom UAMS has a Business Associate agreement, as long as the disclosures are for an exempt purpose, such as for payment or health care operations of UAMS; or
- k. any disclosures made prior to April 14, 2003.

PROCEDURE

I. Disclosures that Must be Included in an Accounting of Disclosures:

A. Examples of disclosures which must be included in an Accounting of Disclosures include, but are not limited to, the following disclosures:

- a. Arkansas Department of Health for TB, HIV, STD, or other infectious disease reporting;
- b. Arkansas Department of Health for State Health Data Clearinghouse reporting;
- c. Arkansas Department of Health, Division of Vital Records, for reporting of births or deaths;
- d. Office of Long Term Care Division of the Arkansas Department of Health and Human Services for purposes of investigating complaints or carrying out other authorized functions of that Office;
- e. FDA reporting for death, adverse event, or devices subject to tracking;

- f. Organ, eye and tissue donation agencies;
 - g. Registries outside of UAMS which require disclosures, such as Cancer Registry, Immunization Registry, and Trauma Registry;
 - h. Spinal Cord injury reporting;
 - i. Cases of abuse/neglect requiring reporting to authorities;
 - j. County Coroner or County Sheriff for sudden infant death cases;
 - k. County Sheriff and City Policy to report intentional infliction of knife or gunshot wounds;
 - l. U.S. Department of Health and Human Services for purposes of investigating or determining UAMS' compliance with HIPAA regulations;
 - m. Coroners and Medical Examiners to identify a deceased person or to determine cause of death or to perform other duties authorized by law;
 - n. State Crime Lab, if (1) specimen is accompanied by a label with PHI on it; and (2) release is performed without authorization;
 - o. Funeral Directors;
 - p. Courts or administrative agencies in response to subpoena, warrant, or similar process authorized by law;
 - q. Other law enforcement purposes, such as providing PHI to law enforcement about a suspected or actual crime victim, and to avert a serious threat to the health or safety of a person or to the public (unless law enforcement has requested that an Accounting not be provided for a specified period of time);
 - r. Disclosures to and by Business Associates with whom UAMS has a Business Associate agreement, **only if** the disclosures are not for an exempt purpose, such as for payment or health care operations of UAMS;
 - s. Disclosures for research purposes when an authorization is not obtained such as a waiver.
- B. **Research:** UAMS must provide an Accounting of Disclosures of PHI in connection with research projects when there is no patient authorization for the disclosures, unless the disclosures are limited to PHI furnished in Limited Data Sets to recipients under a Data Use Agreement or a De-identified Record Set as defined in the *Administrative Guide Policy 2.1.16, De-Identification of Protected Health Information and Limited Data Set Information*. Refer to *Administrative Guide Policy 2.1.12, HIPAA Research Policy* for more information regarding the Accounting of Disclosures requirements for Research.
- C. **For Victims of Neglect, Domestic, or Child Abuse:** UAMS must provide an Accounting of Disclosures made for these purposes unless specifically exempted. In cases of domestic or child abuse, if UAMS has reason to believe that release of the Accounting to the patient's personal representative could endanger the patient, UAMS has the discretion to decline the request.

II. Disclosures that are Exempt and Do Not Need to be Included in an Accounting

- A. Disclosures exempt from an Accounting of Disclosures are disclosures that were made:
- a. for treatment of the patient, for payment of or reimbursement for healthcare services provided to the patient, or for health care operations; see *Administrative Guide Policy*

2.1.13, *Use and Disclosure of PHI and Medical Records Policy* for more information on the use and disclosure of PHI for treatment, payment and health care operations which do not require patient authorizations and are not subject to an Accounting of Disclosures;

- b. directly to the patient about their own information;
- c. disclosures permitted by a signed patient authorization;
- d. from a patient directory;
- e. to individuals involved in the patient's care;
- f. for national security or other intelligence purposes;
- g. incident to a permitted use or disclosure;
- h. for purposes of a Limited Data Set in which the patient's information that could identify the patient is excluded from the Data Set;
- i. to correctional institutions or law enforcement when the patient is an inmate or otherwise in their lawful custody;
- j. disclosures to and by Business Associates with whom UAMS has a Business Associate agreement, as long as the disclosures are for an exempt purpose, such as for payment or health care operations of UAMS; or
- k. any disclosures made prior to April 14, 2003.

III. Temporary Suspension of Request for Accounting: UAMS may temporarily suspend granting a patient's request for an Accounting of Disclosures if a health oversight agency or law enforcement official has provided UAMS with a written statement that the Accounting to the patient may likely impede their activities. The written statement must also specify the time for the suspension. If the statement from the agency or official is made orally, then the suspension is limited to no longer than 30 days. UAMS must document the statement and the identity of the agency or official making the statement.

IV. Time Period for Complying with Request for Accounting: UAMS must provide the patient with the Accounting of Disclosures within **sixty (60) days** of the request. If unable to do so, UAMS must provide the patient with a written explanation for the delay and the date by which the Accounting will be provided, not to exceed 90 days from the date of the request. This extension is permitted only once on a request for an Accounting.

V. Fees/Charges: The first Accounting of Disclosures requested by the patient in any 12-month period is free. For each subsequent request by the patient *in the same* 12-month period, UAMS may charge a reasonable, cost-based fee, including reasonable retrieval and report preparation costs, as well as any mailing costs, only if the patient knows of such fees in advance and has the opportunity to withdraw or modify the request to avoid or reduce the fee.

VI. A record must be maintained of **each** disclosure that is subject to an Accounting of Disclosures.

- A. The following methods may be used to record a disclosure subject to a patient's request for an Accounting:
 - a. a Quick Disclosure in EPIC **or**
 - b. releases logged by Health Information Management in the Release of Information module by direct electronic entry **or**

- c. by an entry on a copy of the Disclosure Reporting Form (available in UAMS Forms OnDemand) **or**
 - d. by manual entry on an Accounting Log Form or other Accounting form kept in the patient's medical record or other official file **or**
 - e. in another official manner approved by the UAMS HIM Department such as the UAMS Cancer Registry Database.
- B. All of the information recorded must include:
- a. The date of disclosure;
 - b. The name/address of entity or person receiving the PHI;
 - c. A brief description of the PHI disclosed; and
 - d. Either a brief statement of the purpose of the disclosure that reasonably informs the patient of the basis of the disclosure or a copy of the written request for the disclosure, if any.
- C. For multiple disclosures made during a period of time, the Accounting of Disclosures may provide the following:
- a. for the first disclosure:
 - i. the date of the disclosure,
 - ii. the name/address of the entity or person receiving the PHI,
 - iii. a brief description of the PHI disclosed,
 - iv. either a brief statement of the purpose of the disclosure that reasonably informs the patient of the basis of the disclosure or a copy of the written request for the disclosure, if any;
 - b. the frequency or number of disclosures made during a period of time; and
 - c. the date of the last disclosure during the period of time.

VII. Obtaining an Accounting of Disclosures:

- A. Patients or authorized individuals will be directed to the UAMS Health Information Management Department to request the Accounting. Requests for Accountings must be made in writing by using the Request for an Accounting of Disclosures form available on the UAMS HIPAA website at hipaa.uams.edu and in UAMS Forms OnDemand.
- B. The UAMS Health Information Management Department will process the request and give or mail the Accounting of Disclosures to the patient or authorized individual, with assistance from the UAMS HIPAA Office. Health Information Management personnel must record the date of the request and the date and name of the individual receiving the Accounting.

SANCTIONS

Violation of this Policy will result in disciplinary action, in accordance with *Administrative Guide Policy 4.4.02, Employee Discipline* and *Administrative Guide Policy 2.1.42, HIPAA Sanctions Policy*.

Signature: 

Date: April 7, 2025