PURPOSE:
The purpose of this policy is to respond appropriately to requests from patients for an Accounting of Disclosures concerning their protected health information (“PHI”). A patient’s right to request and receive an Accounting of Disclosures is contained under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

POLICY:
It is the policy of Health Quest Systems, Inc. and its’ affiliates ("HQ") to keep an accurate accounting of disclosures made of patients’ PHI as outlined below. HQ will provide an Accounting of Disclosures to patients or their personal representatives within sixty (60) days from the receipt of the request and in accordance with applicable law.

DEFINITIONS:
Accounting of Disclosures: A listing of PHI disclosed to individuals/entities to include date of disclosure, name of recipient, a brief description of the information disclosed, a brief statement as to the purpose of the disclosure.

Disclosure: The release, transfer, provision of access to, or divulging of PHI outside of a HQ entity to a person or organization other than an affiliated HQ entity.

POLICY STATEMENT:
A. Disclosures for which an Accounting is Not Required
   1. To carry out treatment, payment, or health care operations
   2. To the patient or the patient’s personal representative
   3. Incidental disclosures made in connection with a use or disclosure otherwise permitted or required by the HIPAA Privacy Rule
   4. Pursuant to a valid authorization for release of information signed by the patient or patient’s personal representative
   5. For the entity’s directory, or to persons involved in a patient’s care, or for other notification purposes
   6. For national security or intelligence purposes (as specified in the policy and procedure on Uses and Disclosures of PHI With and Without Authorization HQ 5.2.02)
7. To correctional institutions, or law enforcement officials under certain circumstances (as specified in the policy and procedure on Uses and Disclosures of PHI With and Without Authorization HQ 5.2.02)
8. Disclosures that occurred prior to April 14, 2003
9. Disclosures that are part of a limited data set disclosed for research, public health or health care operations.

B. Disclosures that Commonly Qualify for Accounting
1. Disclosures of HIV-related information unless excepted in Section A
2. Disclosures made in response to a subpoena or other judicial or administrative proceeding if not accompanied by a patient authorization
3. Disclosures made for public health activities, including reports of vital events, public health surveillance, and investigations; communicable disease; adult and child abuse, neglect, or domestic violence; information associated with an FDA-regulated product or activity; to an employer to conduct an evaluation relating to medical surveillance of the workplace or to evaluate whether the individual has a work-related illness or injury and the employer needs such information to comply with federal or state law and notice has been given to the individual at the time care is provided or there is a notice at the work site
4. Disclosures made for health oversight activities or law enforcement purposes unless the health oversight or law enforcement agency has provided an official statement to temporarily suspend the individual’s right to receive an accounting for a specified period of time during which such an accounting would impede the agency’s activities
5. Disclosures to coroners, medical examiners, funeral directors, and for cadaveric organ donation purposes
6. Disclosures to avert a serious threat to health or safety
7. Disclosures for specialized government functions except national security and intelligence activities and correctional institutions or other law enforcement custodial situations
8. Disclosures for workers’ compensation
9. Disclosures for research activities that do not require an individual’s authorization
10. Disclosures known to have been made inadvertently or in error (e.g., as a result of a misdirected fax, e-mail, postal mail, etc.)
11. PHI known to be contained on a lost or stolen electronic device such as a laptop computer or cell phone
12. PHI known to be contained on a lost or stolen form of electronic media such as a CDROM or Flash Drive.
RESPONSIBILITY:
Manager/Director of respective medical records department is responsible for oversight of the process.

ENFORCEMENT:
All individuals whose responsibilities are affected by this process are expected to be familiar with the basic procedures and responsibilities created by this process. Failure to comply with this process will be subject to appropriate remedial and/or disciplinary action, up to and including termination of any employment or other relationship, in accordance with this process.

REFERENCES:
45 CFR 164.528
Request for Accounting of Disclosures Form
HQ 5.2.01 Accounting of Disclosures Procedure
HQ 5.2.02 Uses and Disclosures of PHI With and Without Authorization Policy and Procedure

POLICY HISTORY:
Supersedes: 8/8/2018
Original Implementation Date: 2/27/2014
Date Reviewed: 7/27/2020

APPROVAL:

W.A. McNulty  
Policy Owner

July 29, 2020  
Date