PRIVACY 23.0  
ACCOUNTING OF DISCLOSURES

Scope: All workforce members (employees and non-employees), including employed medical staff, management, and others who have direct or indirect access to patient protected health information (PHI) created, held or maintained by any subsidiaries of Universal Health Services, Inc., including facilities and UHS of Delaware Inc. (collectively, “UHS”), including UHS covered entities (“Facilities”).

Purpose: Identifies and establishes procedures for providing, upon request of a patient or authorized personal representative, as applicable, an accounting of disclosures of PHI made by a Facility.

Definitions:

Terms not defined in this Policy or the HIPAA Terms and Definitions maintained by the UHS Compliance Office will have the meaning as defined in any related State or Federal privacy law including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (“HHS”) at 45 CFR Part 160 and 164, Subparts A and E (“Privacy Regulations” or “Privacy Rule”) and Subparts A and C (“Security Regulations” or “Security Rule”), the Health Information Technology for Economic and Clinical Health Act (“HITECH”) privacy and security provisions of the American Recovery and Reinvestment Act (Stimulus Act) for Long Term Care, Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (“ARRA”), Title XIII and related regulations.

Policy:

Patients have a right to an accounting of disclosures of PHI made by a Facility in the six years prior to the date on which an accounting is requested. The Facility will provide a requested accounting of disclosures in accordance with the HIPAA Privacy Rule, using the process described in this Policy.

Procedure:

Upon request, a patient (or his/her authorized personal representative, as applicable) (“individual”), will be provided an accounting of disclosures of PHI made by the Facility in the six (6) years prior to the date on which an accounting is requested. An individual may request a shorter time frame than the maximum six (6) years or may restrict it to a certain time frame (such as the timeframe of a particular admission).

Disclosures Not Included in the Accounting
The following are not required to be included in an accounting of disclosures:

- **Disclosures** to carry out treatment, payment and health care operations, as described in UHS Privacy 5.0 *Use and Disclosure for Treatment, Payment and Health Care Operations*

- **Disclosures** to individuals of PHI about them

- **Incidental uses** and **disclosures** that occur as a byproduct of a permissible or required use or disclosure, as long as the Facility has applied reasonable safeguards and implemented the **minimum necessary standard**, where applicable, for the primary use or disclosure.

- **Disclosures** made pursuant to an **authorization** under UHS Privacy 3.0 *Use and Disclosure Requiring Authorization*

- **Disclosures** in the Facility's directory (if applicable) under UHS Privacy 12.0 *Patient Directory Policy* or to persons involved in the individual's care or other notification purposes

- **Disclosures** for national security or intelligence purposes under UHS Privacy 9.0 *Disclosures for Armed Services, National Security and Other Government Functions*

- **Disclosures** to correctional institutions under UHS Privacy 17.0 *Disclosures to Correctional Institutions or Law Enforcement with Lawful Custody*

- **Disclosures** that are part of a limited data under UHS Privacy 7.0 *Limited Data Sets and Data Use Agreements*

- **Disclosures** that occurred more than six years before the individual’s request

**Requirements of the Accounting**

If an accounting is required, the accounting must include disclosures of PHI that occurred during the six years prior to the date of the request, including disclosures to or by business associates of the Facility. The time frame may be shorter, depending on the request.

1. **Content of the Accounting**

The Facility will provide a written accounting to the individual that includes the following information, for each disclosure made within the applicable timeframe:

- The date of the disclosure;
• The name of the entity or person who received the PHI and, if known, the address of such entity or person;

• A brief description of the PHI disclosed; and

• Either a brief statement that describes the purpose and basis for the disclosure or a copy of the written request for the disclosure (applies when a request for disclosure is made by the Secretary of HHS to investigate the Facility or by another entity as described in UHS Privacy 26.0 Use and Disclosure Not Requiring Authorization or Opportunity to Agree/Object.

2. Repeated Disclosures to the same Person/Entity

If a Facility has made multiple disclosures to the same person or entity for a single purpose during the requested accounting period, the Facility may provide an accounting that is limited to the following information, in order to avoid repeating the information for each disclosure:

• The full information required above for the initial disclosure made during the requested accounting period;

• The frequency, periodicity, or number of the disclosures made during the requested accounting period; and

• The date of the last disclosure during the requested accounting period.

3. Large Disclosure for Research

If a Facility has disclosed PHI for a particular research purpose involving fifty (50) or more individuals, the accounting may be limited to the following information:

• The name of the protocol or other research activity;

• 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;

• A brief description of the type of PHI that was disclosed;

• The date or period of time during which the disclosures occurred, or may have occurred, including the date of the last disclosure made during the requested accounting period;

• The name, address, and telephone number of the entity that sponsored the research and of the researcher to whom the information was disclosed; and
A statement that the PHI of the individual may or may not have been disclosed for a particular protocol or other research activity.

Upon request, the Facility will assist the requester in contacting the entity that sponsored the research and the researcher, if it is reasonably likely that the requestor’s PHI was disclosed for the research.

**Temporary Suspension**

The **Facility is required** to temporarily suspend an individual's right to receive an accounting of disclosures that were made to a health oversight agency or law enforcement official, if the agency or official states in writing that the accounting would be reasonably likely to impede the agency's activities. The written request must specify a timeframe for the suspension.

If the agency requests a suspension of accounting of disclosures orally, then the Facility must:

- Document the statement, including the identity of the agency or official making the statement;
- Temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and
- Limit the temporary suspension to no longer than thirty (30) days from the date of the oral statement, unless a written request for a suspension is submitted by the agency during the thirty (30) days.

**Deadline to Provide the Accounting**

The deadline for providing an accounting of disclosures is sixty (60) days following receipt of the request. If the Facility is not able to provide the accounting within sixty (60) days, the deadline may be extended once by thirty (30) days if, within the original 60-day deadline, the Facility provides the individual with a written statement of the reasons for the delay and the date by which the Facility will provide the accounting.

**Fees for Accounting**

The Facility must provide the first accounting of disclosures that an individual requests in any 12-month period without charge. If the same individual requests more than one accounting within a twelve (12) month period, the facility may impose a reasonable, cost-based fee for each subsequent accounting, as long as the Facility:

- informs the individual in advance of the fee; and
• provides the individual with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.

Documentation

Facilities must document the following, and retain a written or electronic copy of the documentation for six (6) years:

• The information required to be included in an accounting for disclosures of PHI that are subject to an accounting under this Policy;

• The written accounting that is provided to the individual under this section; and

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

References:

45 C.F.R. § 164.502
45 C.F.R. § 164.506
45 C.F.R. § 164.512
45 C.F.R. § 164.528
45 C.F.R. § 164.530
45 C.F.R. § 164.414

Related UHS Policies:

UHS Privacy 9.0 Disclosures for Armed Services, National Security and Other Government Functions

UHS Privacy 17.0 Disclosures to Correctional Institutions or Law Enforcement with Lawful Custody

UHS Privacy 7.0 Limited Data Sets and Data Use Agreements

UHS Privacy 12.0 Patient Directory Policy

UHS Privacy 14.0 Use and Disclosure for Research and Reviews Preparatory to Research

UHS Privacy 5.0 Use and Disclosure for Treatment, Payment and Health Care Operations

UHS Privacy 26.0 Use and Disclosure Not Requiring Authorization or Opportunity to Agree/Object

UHS Privacy 3.0 Use and Disclosure Requiring Authorization
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Reviewed and Approved by:

UHS Compliance Committee