

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