

**UNIVERSITY OF MAINE SYSTEM
HIPAA POLICY #36
ACCOUNTING OF DISCLOSURES OF PHI**

I. Right to an Accounting of Disclosures of PHI

An individual has right to receive an accounting of disclosures of PHI made by a Covered Component in the six years prior to the date on which the accounting is requested, except for disclosures:

- A. To carry out treatment, payment and health care operations;
- B. To individuals of PHI about them;
- C. Incident to a use or disclosure otherwise permitted or required;
- D. Pursuant to an authorization;
- E. For the facility's directory or to persons involved in the individual's care or other notification purposes;
- F. For national security or intelligence purposes;
- G. To correctional institutions or law enforcement officials in custodial situations;
- H. As part of a limited data set; or
- I. That occurred prior to April 14, 2003.

II. Accounting of PHI in an Electronic Health Record

A. Providing an Accounting - In the case that a Covered Component uses or maintains an electronic health record with respect to protected health information, the exception under paragraph (I)(A) above shall not apply to disclosures for treatment, payment and health care operations made by the Covered Component through an electronic health record of such information; and an individual shall have a right to receive an accounting of all such disclosures of such information made by the Covered Component during only the three years prior to the date on which the accounting is requested.

In response to a request from an individual for an accounting, a covered entity shall elect to provide either:

1. An accounting of all disclosures for treatment, payment and health care operations made by the Covered Component through an electronic health record of such information that are made by such Covered Component and by any Business Associate acting on behalf of the Covered Component; or
2. An accounting of all disclosures for treatment, payment and health care operations made by the Covered Component through an electronic health record of such information for disclosures that are made by such Covered Component and provide a list of all Business Associates acting on behalf of the Covered Component, including contact information for such Business Associates (such as mailing address, phone, and email address).

B. Business Associate Components - A UMS Business Associate Component that is included on a list under subparagraph (A)(2) by an external Covered Entity shall provide an accounting of disclosures as required by this section (II) made by the business associate upon a request made by an individual directly to the Business Associate Component for such an accounting.

C. Effective Dates - In the case of a Covered Component that acquired an electronic health record as of January 1, 2009, this section (II) shall apply to disclosures, with respect to protected health information, made by the Covered Component from such a record on and after January 1, 2014.

In the case of a Covered Component that acquires an electronic health record after January 1, 2009, this section (II) shall apply to disclosures, with respect to protected health information, made by the Covered Component from such record on and after the later of the following:

1. January 1, 2011; or
2. the date that it acquires an electronic health record.

III. Suspension of Right to an Accounting

The Covered Component must 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 provides a written statement that such an accounting would be reasonably likely to impede the agency's activities and specifying the time for which such a suspension is required. If the agency or official statement is made orally, the Covered Component must:

- A. Document the statement, including the identity of the agency or official making the statement;
- B. Temporarily suspend the individual's right to an accounting of disclosures; and
- C. Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement is submitted during that time.

IV. Time Period

An individual may request an accounting of disclosures for a period of time less than six years from the date of the request.

V. Content of the Accounting

The Covered Component must provide the individual with a written accounting that meets the following requirements:

A. Except as otherwise provided in section (I) above, the accounting must include disclosures of PHI that occurred during the six years (or a shorter period of time at the request of the individual) prior to the date of the request, including disclosures to or by business associates of the Covered Component.

B. Except as otherwise provided by paragraphs (C) and (D) below, the accounting must include for each disclosure:

1. The date of the disclosure;
2. The name of the entity or person who received the PHI and, if known, the address of such entity or person;
3. A brief description of the PHI disclosed; and
4. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure or a copy of the written request for a disclosure, if any.

C. If, during the period covered by an accounting, the Covered Component has made multiple disclosures of PHI to the same person or entity for a single purpose, the accounting may, with respect to such multiple disclosures, provide:

1. The information required by paragraph (B) above for the first disclosure during the accounting period;
2. The frequency, periodicity, or number of the disclosures made during the accounting period; and

3. The date of the last disclosure during the accounting period.
- D. If, during the period covered by the accounting, the Covered Component has made disclosures of PHI for a particular research purpose for 50 or more individuals, the accounting may, with respect to such disclosures for which PHI of the individual may have been included, provide:
1. The name of the protocol or other research activity;
 2. A description in plain language of the research protocol or activity, including the purpose and criteria for selecting particular records;
 3. A brief description of the type of PHI disclosed;
 4. 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;
 5. The name, address and telephone number of the entity that sponsored the research and of the researcher to whom the PHI was disclosed; and
 6. A statement that the PHI may or may not have been disclosed for a particular protocol or other research activity.
 7. If the Covered Component provides an accounting for research disclosures in accordance with this section, and if it is reasonably likely that the PHI of the individual was disclosed for such research, the Covered Component shall, at the request of the individual, assist in contacting the entity that sponsored the research and the researcher.

VI. Provision of the Accounting

- A. The Covered Component must act on an individual's request for an accounting, no later than 60 days after receipt of such a request, as follows:
1. The Covered Component must provide the accounting requested; or
 2. If the Covered Component is unable to provide the accounting within the time required, the Covered Component may extend the time for such action by no more than 30 days, provided that it provides a written statement to the individual within the original time limit stating the reasons for the delay and the date by which it will provide the accounting, and the Covered Component may have only one such extension.
- B. The Covered Component must provide the first accounting to an individual in any 12 month period without charge. The Covered Component may impose a reasonable, cost-based fee for each subsequent request for an accounting by the same individual within the 12 month period, provided that the Covered Component informs the individual in advance of the fee and provides the opportunity to withdraw or modify the request in order to avoid or reduce the fee.

VII. Documentation

A Covered Component must document the following and retain the documentation as required by the UMS HIPAA Documentation Policy and the Privacy Rule:

- A. The information required to be included in an accounting for disclosures of PHI that are subject to an accounting;
- B. The written accounting that is provided to an individual; and
- C. The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals.