NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES (NNAMHS)

POLICY AND PROCEDURE

SUBJECT: ACCOUNTING FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION

NUMBER: NN-IM-PS-05

ORIGINAL DATE: 07/18/02

REVIEW/REVISE DATE: 03/01/07, 2/18/10, 12/20/12

APPROVAL: Cody L. Phinney, Agency Director

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I. PURPOSE

To ensure a consumer's right to receive an accounting of disclosures of Protected Health Information (PHI).

II. POLICY

NNAMHS will provide consumers with an accounting of disclosures of PHI upon request. The accounting is limited to information disclosed after April 14, 2003.

III. REFERENCES

A. 45 CFR 164.528 Accounting of disclosures of protected health information.

B. NNAMHS Policy NN-IM-PS-03 Notice of Privacy Practices.

C. NNAMHS form MR 250 Request for Accounting of Disclosures

D. NNAMHS form MR 251 Disclosure Tracking Log

E. NNAMHS form MR 252 Accounting of Disclosure Temporary Suspension
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IV DEFINITIONS

A. Business Associates: A person or entity that performs a function or activity on behalf of NNAMHS that includes NNAMHS PHI. Business Associates are not considered staff.

B. Accounting for Disclosures: A list of entities/persons outside NNAMHS that PHI has been released to. This does not include federal or state required releases.

V PROCEDURE

1. Any consumer may request an accounting of disclosures made during the previous six years, or less. , Requests for an accounting of disclosures will be submitted to Health Information Services (HIS) on the Request for Accounting of Disclosures MR 250.
   a. The right to receive an accounting of disclosures exists for as long as NNAMHS maintains the PHI.
2. Fees
   a. NNAMHS will provide the first accounting of disclosures at no cost.
   b. A fee of $ 10.00 will be charged for subsequent requests made in the same 12-month period. The consumer will be notified of this amount prior to processing the request to allow the consumer to withdraw or modify the request to avoid or reduce the fee.
3. NNAMHS will respond to a consumer's request for an accounting of disclosures within 30 days. A 30-day extension is allowed if needed to process the request. The consumer will be notified in writing within the 30-day period, of the reason for the delay and the date the accounting of disclosures will be provided. Only one such extension will be made.
4. The copy of the Disclosure Tracking Log MR 251 will be provided to the consumer and will include the following for each PHI:
   a. Date of disclosure.
   b. Name (and address if known) of the entity or person who received the PHI.
   c. Brief description of the PHI disclosed (such as 10/12/03 CBC).

d. Brief statement explaining the reason PHI was disclosed.

   i) If multiple disclosures were made for the same reason to one entity or person, those items will be listed only for the first disclosure. The numbers of disclosures made during the accounting period and the date of the last disclosure will be stated.

e. MR 251 will be maintained in the consumer's record and updated as disclosures are processed by staff including, but not limited to Health Information Services (HIS), social workers, nursing, psychologists, service coordinators, physicians, Allied Health, Administration, billing, etc.

f. After a request for an accounting of disclosures is received, and upon request by HIS, Information Technology (IT) will provide HIS with a tracking log of data transferred electronically. This will be provided to the consumer with the manual tracking log.

5. HIS and IT will maintain logs entitled Requests for Accounting of Disclosures. The logs will contain the following:

   a. date of request

   b. who requested the information

   c. date range requested

   d. name and title of staff who released information

   e. date information was provided

6. An accounting of disclosures is required for:

   a. Release to entities outside NNAMHS such as employers, attorneys, etc.

   b. Release by business associates: Consumers have a right to an accounting from NNAMHS business associates. Upon request by the consumer, the business associates will assume responsibility to provide the consumer with an accounting of disclosures made by the business associate. Contracts with business associates will stipulate cooperation with this requirement.

7. An accounting of disclosures is not required for:
   a. Disclosures related to treatment at NNAMHS or disclosures made to individuals involved in consumer care.
   b. Disclosures related to payment of bills incurred at NNAMHS.
   c. Disclosures related to health care operations such as evaluation by internal or external auditors for quality of care of performance of staff.
   d. Disclosures made to the consumer.
   e. Disclosures required by federal, state or local law, judicial proceedings or law enforcement.
   f. Disclosures for public health activities.
   g. Disclosures to avoid harm.
   h. Disclosures for specific Government functions, e.g., protecting the President of the United States.
   i. Appointment reminders.
   j. Disclosures from the Patient Directory.
   k. Disclosures made before the compliance deadline for HIPAA Privacy regulations (April 14, 2003).
   l. Disclosures made with the consumer's authorization.

8. NNAMHS must temporarily suspend an individual's right to receive an accounting of disclosure if a health oversight agency or law enforcement agency provides NNAMHS with a written statement that such an accounting to the consumer would be reasonably likely to impede the agency's activities and specifying the time for which a suspension is required,
   a. The Suspension of Accounting of Disclosure MR 252 will be used by the agency or official making the statement.

b. MR 252 will be placed in the front of the record by HIS. c. At the end of the specified suspension, NNAMHS will provide the consumer with the requested accounting of disclosure.