

University of Colorado Health Sciences Center
HIPAA Policy

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I. Purpose, Reference, and Responsibility

A. Purpose

This policy documents when an individual has a right to receive an accounting of disclosures of his or her protected health information (“PHI”) made by the UCHSC and when he or she does not have this right. The policy includes the type of information that must be provided to the individual, if an accounting is provided, and explains the reasons why a disclosure might not be provided.

B. Reference

45 C.F.R. § 164.528

C. Responsibility

It is the responsibility of anyone who discloses PHI to follow this policy and to track all disclosures that could be subject to a request for an accounting. Additionally, it is the responsibility of anyone who provides an accounting of disclosures to follow this policy.

II. Applicability and Definitions

A. Applicability

This policy applies to all members of the UCHSC workforce who disclose PHI.

B. Definitions

Authorization
Business Associate
Health Care Operations
Payment
Protected Health Information (PHI)
Treatment

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Workforce

III. Policy

A. General

An individual has a right to request an accounting of any **disclosures** of PHI during the six years prior to the date of the request or from April 14, 2003, whichever is shorter. The accounting does not have to include disclosures:

1. To carry out treatment, payment, or health care operations;
2. Made directly to the individual;
3. Incident to a use or disclosure that is permitted or required;
4. Pursuant to an authorization;
5. To persons involved in the individual's care;
6. Provided for national security or intelligence purposes;
7. To correctional institutions or law enforcement officials;
8. That are part of a limited data set; or,
9. That occurred prior to April 14, 2003.

B. Suspension of the Right to an Accounting.

The UCHSC must temporarily suspend an individual's right to receive an accounting of disclosures made to a health oversight agency or law enforcement official if the agency or official provides the UCHSC with a written statement that the accounting would be likely to impede the agency's activities. The agency must specify the amount of time that the UCHSC must suspend including these disclosures in the accounting.

If the statement from the agency or official is made orally, the UCHSC must:

1. document the statement, including the identity of the agency or official making the statement;
2. temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and,

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3. limit suspension to no longer than 30 days from the date of the oral statement unless a written statement provided by the agency or official is submitted during this 30 day period.

C. Request for Accounting for Less than Six Years.

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

D. Content of the Accounting.

Except as provided in paragraph A, the accounting provided to the individual by the UCHSC must be in writing and must contain:

1. Disclosures of PHI that occurred during the time period requested, including disclosures to or by business associates;
2. Date of the disclosure;
3. Name of the entity or person who received the PHI, and address, if known;
4. A brief description of the PHI disclosed; and
5. A brief statement of the purpose of the disclosure, or a copy of the written request for disclosure (if any).

It is the responsibility of all units of the UCHSC disclosing PHI subject to the right to an accounting to record and maintain the information required above for a period of at least six (6) years.

E. Multiple Disclosures.

If multiple disclosures to the same person or entity have been made for a single purpose during the time period covered by the accounting, the following information may be provided:

1. The information required in paragraph D for the first disclosure during the accounting period;
2. The frequency, periodicity or number of disclosures made during the accounting period; and,
3. The date of the last disclosure during the accounting period.

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F. Provision of the Accounting.

1. If a member of the UCHSC workforce receives a request for an accounting, he or she must immediately refer the request to the UCHSC HIPAA Privacy Officer.
2. The UCHSC must act on the individual's request for an accounting no later than 60 days after receipt of the request. If the UCHSC is unable to provide the accounting within that time, the UCHSC may extend the time by no more than 30 days, provided that:
 - a. Within 30 days of the individual's request, the UCHSC provides a written statement to the individual of the reason for the delay and the date by which the accounting will be provided; and,
 - b. Only one extension is allowed.
3. The Privacy Officer will evaluate the accounting request and will determine if the request is valid.
4. The Privacy Officer will contact the units within the UCHSC that have maintained the information required by the accounting. The units are required to provide this information to the Privacy Officer.
5. The Privacy Officer will compile the information and provide the individual with the accounting.
6. The Privacy Officer will retain a copy of the accounting provided for six (6) years.

G. Cost Associated with Provision of Accounting.

The UCHSC must provide the first accounting in any 12-month period without charge. A reasonable, cost-based fee may be charged for any subsequent requests by the same individual for an accounting within the 12-month period, provided that the UCHSC informs the individual in advance and provides the individual an opportunity to withdraw or modify his or her request. The cost-based fee will be set by the UCHSC.