

<b>Topic:</b> Accounting of Disclosures	<b>Department:</b> Entire Agency
<b>Original effective date:</b> 4/1/03	<b>Last revision date:</b> 1/27/21
<b>Owner:</b> VP for Quality and Compliance	<b>Frequency of reviews:</b> Annual
<b>Internal/Regulatory Reference(s) (all that apply):</b> 164.528	
<b>Related documents/Links:</b> Accounting of disclosures form	

**Policy:** It is the policy of The Arc of Monroe to ensure that people have opportunities for privacy and that business, administrative and support functions promote personal and organizational outcomes.

**Additional Information:** HIPAA law allows people we support or their legal representatives to ask for an accounting of disclosures of their PHI. This means sharing with them a list of what PHI we have shared and with whom. Nothing prior to April 14, 2003 needs to be provided, as that is the date that HIPAA went into effect.

We do not need to account for routine disclosures such as for the purposes of treatment, payment or health care operations (“operations”) (please cross reference that policy). For most other disclosures, we do need to account for that information on the attached form. This includes when OPWDD/BPC comes to do a survey. Anything we share with them needs to be accounted for on the accounting of disclosure form.

“Protected health information or PHI” is defined as information about people we support that relates to their past, present or future mental or physical health and also identifies them in some way. In addition to more obvious things such as treatment plans, service documentation, clinical assessment, etc., the following are also considered PHI:

- Initials of someone we support. If you share initials, you are sharing PHI. Reducing a name to initials does not protect it under HIPAA law.
- Pictures of someone we support. This includes any photograph that will identify the person in some way. This may be the case even if their face isn’t visible, but something distinctive about them is. It could also apply to pictures of the back of their head, side shots, other parts of their bodies that are distinctive, etc.
- Anything that describes someone in a way that makes it clear who you are talking about (such as a full physical description; or a combination of characteristics that are so unique as to effectively name the person). EXAMPLE: A short middle-aged woman with blazing red hair and right-side hemiparesis who goes to Henrietta Day Services.

This definition applies whether the information is written, spoken, signed, or in an electronic format – regardless of the language (e.g., English or any other language). You should presume that any information about people we support that you work with in your job is PHI and should be treated as such.

For the purposes of this procedure, “staff” includes employees, contractors, consultants, interns, students and volunteers.

<b>Procedure</b>	
<b>Task:</b>	<b>Responsible party:</b>
<b>General Guidelines</b>	
1. Whenever PHI is shared for reasons other than treatment, payment or operations, what was shared and to whom needs to be documented on the	Managers

attached form. This can be a general statement, such as “Life plan, Staff action plan, data, monthly summaries, IPOP,” versus “Life plan dated 1/1/21, data for x dates, etc.”	
2. If a person we support or their legal representative requests an accounting of disclosures, we can ask that they put their request in writing. If staff receive this request, they need to notify their manager immediately.	Staff Managers
3. Once received, the accounting of disclosure form(s) should be copied and sent to the person/their legal representative in the form/format they prefer. We will not charge people to receive the accounting.	Managers
4. We have to give them this accounting as soon as possible, but no later than 60 days. If for some reason we don’t think we can provide this within the 60 days, we can extend for an additional 30 days. At that point, we have to produce the accounting of disclosures. If we do extend for an additional 30 days, we need to notify the person and let them know why.	Managers
5. In some cases, law enforcement or the government may ask us not to send an accounting of disclosures when requested by the person/their legal representative. This would be because doing so might interfere with their investigation. They need to put this request in writing and explain why they are asking for the delay and for how long (no longer than 30 days). During that period, we will hold off on sharing the account of disclosures.	Law enforcement, the government, Managers
6. Accounting of disclosure forms should be kept for a period of 6 years.	Managers
<b>Manager responsibilities:</b>	
1. Managers should have a good working understanding of this procedure and their role in it.	Managers
2. Managers have a responsibility to ensure that any disclosures outside of treatment, payment or operations are documented on the form.	Managers
<b>VP for Quality and Compliance:</b>	
1. Acts as the agency’s Privacy Officer	VP for Quality and Compliance
2. Responsible for administering the agency’s HIPAA privacy policies and procedures.	VP for Quality and Compliance
3. Acts as a resource for staff in regards to proper implementation of the HIPAA privacy rule.	VP for Quality and Compliance

**Document revision record:**

Revision Date	Release Date	Reason for change	Approver
9/17/08	9/17/08	Reasons for change not documented	P Dancer
10/24/11	10/24/11	Reasons for change not documented	P Dancer
12/28/18	12/28/18	Reasons for change no documented	P Dancer
1/27/21	1/27/21	Transitioned to new procedural format and fleshed out responsibilities	P Dancer

## PHI Disclosure Accounting Sheet

Name of person supported: \_\_\_\_\_

Program/Site: \_\_\_\_\_

[illegible]