

Standard Operating Policies - SOP # 9: HIPAA Tracking and Accounting of Disclosures of PHI

Title:	HIPAA – Tracking and Accounting of Disclosures of PHI	Effective Date:	10/03/2014
Author:	Privacy Officer	Last Review Date:	12/01/2021
Location:	All Locations	Last Revision Date:	12/01/2021
Functional Area:	ADMINISTRATION		

POLICY

Liberty shall track and document specific disclosures of PHI made by Liberty or its Business Associates. Individuals have the right to request an accounting of every use or disclosure of PHI relating to the individual—other than for treatment, payment, health care operations, or law enforcement issues, including but not limited to complying with a court order, responding to a subpoena or to identify or locating a suspect—that have been made by Liberty or its Business Associate.

PROCEDURE

1. Liberty's Privacy Officer shall respond to any requests for an accounting of disclosures made to Liberty.
2. Liberty, as a Business Associate of health care providers and health plans, does not expect to receive requests for written accounting of disclosures of PHI directly from individuals. Should Liberty receive such a request as a Covered Entity, Liberty shall respond as outlined in this Standard Operating Procedure ("SOP") and in the Business Associate Agreement in place with the applicable provider.
3. Liberty shall provide or cause its Business Associate Subcontractors to provide to its client, an accounting of disclosures for any individual requesting such accounting. Liberty shall provide the accounting to its client so the client can remit to the individual in compliance with HIPAA mandated timeframes. Liberty shall also, if necessary, require that any Business Associate Subcontractors provide information relevant to the request for an accounting of disclosures.
4. Liberty shall retain logs for both the requests for accounting of disclosures and the disclosure tracking log. However, it is not anticipated that there will be many, if any disclosures of PHI which require accounting.
5. An individual has a right to receive an accounting of disclosures of PHI in the six (6) years prior to the date on which the accounting is requested **except for the following disclosures:** (a) to carry out treatment, payment and health care operations (45 C.F.R. 164.506); (b) to individuals or the individual's personal representative of PHI about them (45 C.F.R. 164.502); (c) for notification of or to persons involved in an individual's health care or payment for health care, for disaster relief, or for facility directories (45 C.F.R. 164.510); (d) pursuant to an authorization (45 C.F.R. 164.508); (e) for national security or intelligence purposes (45 C.F.R. 164.512(K)(2)); (f) to correctional institutions or law enforcement agencies that have lawful custody of an inmate (45 C.F.R. 164.512(K)(2)); (g) as part of a limited data set (45 C.F.R. 164.514(e)); or (h) incident to a use or disclosure otherwise permitted or required (45 C.F.R. 164.502).
6. The following types of disclosures shall be tracked for the purposes of accounting: (a) those required by law; (b) public health activities; (c) health oversight activities; (d) judicial and administrative proceedings; (e) law enforcement purposes; (f) concerning victims of abuse, neglect, or domestic violence; (g) in order to avert a serious threat to health and safety; (h) specialized government functions (*e.g.*, military and veterans activities; protective services for the President and others); (i) about decedents; (j) for organ and tissue donations; (k)

worker's compensation disclosures necessary to comply with laws relating to worker's compensation programs (not including disclosures related to payment); (l) breaches.

7. Liberty shall require that all requests for accounting be made in writing to clarify the request made by the individual. Liberty's Privacy Officer shall request additional information following consultation with the Chief Operating Officer and General Counsel OR if the request is not specific enough to respond to the request for accounting.
8. In certain limited circumstances, a health oversight agency or law enforcement official may request that the Covered Entity suspend an individual right to receive an accounting of the disclosures made to that agency or official. In such instance Liberty's Privacy Officer shall be consulted prior to responding to the client, agency or official regarding such request.

Approved By: _____

Revision History

Version	Date	Author	Summary of Changes
#1	10/03/2014	Judith Ann Shields	Initial ISF release – refactor and update of previous security policies into distinct documents
#2	12/22/2015	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#3	01/18/2016	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#4	12/22/2017	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#5	12/22/2018	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#6	12/22/2019	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#7	11/15/2019	Judith Ann Shields	Annual review, Attorney reviewed © LHC. Added inactivity lock requirement
#8	11/02/2020	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#9	12/01/2021	John Beck	Annual review and added all disclosures that should be tracked. Added inactivity lock requirement