

# Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	<b>Individual's Right to an Accounting of Disclosures of PHI</b>	Policy No. <b>5012.01</b>
Category:	HIPAA Privacy & Security	Date Adopted: 01/10/2020 Date Revised: 9/10/2021 Date Reviewed: 8/25/2021
Reference:	Washington Health Care Authority; Contract with Great Rivers Behavioral Health Administrative Services Organization; 45 CFR Section 164.528	

## POLICY:

- 1.1. In compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 CFR Part 2, Washington Law, and any applicable Business Associate Agreements (BAAs), this policy sets out the process to provide and protect an Individual's right to receive an accounting of certain disclosures made of Protected Health Information (PHI), subject to certain exceptions. Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) has both direct obligations as required by law and contractual obligations to provide or facilitate accounting of Disclosures.
- 1.2. Great Rivers BH-ASO will consider all requests from Individuals to receive an accounting of certain disclosures of the PHI that have occurred in the six (6) year period prior to the request, or from the effective date of the Privacy Rule, whichever is shorter. Great Rivers BH-ASO requires that all requests for an accounting be in writing. Great Rivers BH-ASO will notify Individuals of its policies for requesting an accounting in the Notice of Privacy Practices.

## PROCEDURE:

- 2.1. **Requests for Accounting.**
  - 2.1.1. All requests for an accounting of Disclosures must be in writing. Great Rivers BH-ASO will accept any written request that provides sufficient information to address the request. Great Rivers BH-ASO will provide any assistance in completing the request, as needed.
  - 2.1.2. The Requestor must submit the request for an accounting in writing to Great Rivers BH-ASO's Privacy Officer. The Privacy Officer is responsible for processing the requests and for managing communications.
  - 2.1.3. The Privacy Officer will verify the identify of the requester as either the Individual, the Individual's Authorized Representative, or an upstream Covered Entity.
  - 2.1.4. The Privacy Officer will review each request for an accounting of Disclosures and either grant or deny the request.
- 2.2. **Timing.** Great Rivers BH-ASO will respond to requests for an accounting of disclosures within thirty (30) days from the date of the request. Should, in rare circumstances, Great Rivers BH-ASO be unable to respond within thirty (30) days, the individual will be notified, in writing during the initial thirty (30) day period. The individual will be provided with the reason(s) Great Rivers BH-ASO needs additional time and they will be given the date (no

more than thirty (30) days beyond the original thirty (30) days) by which they can expect Great Rivers BH-ASO to complete action on the request.

- 2.3. **Excluded Disclosures.** Great Rives BH-ASO will account for all uses and disclosures of Individuals' PHI except for those in the following categories:
- 2.3.1. Disclosures made to the individual;
  - 2.3.2. Disclosures made to carry out treatment, payment, or operations; (this includes disclosures made by business associates for these purposes as well);
  - 2.3.3. Disclosures made incident to a use or disclosure that is otherwise permitted or required;
  - 2.3.4. Disclosures made pursuant to an Authorization;
  - 2.3.5. For disclosures made to the secretary of DHHS for compliance purposes and for any other disclosures allowed to be made without the individual's permission;
  - 2.3.6. Disclosures for national security or intelligence purposes; and
  - 2.3.7. Disclosures to correctional institutions or law enforcement officials when individual is an inmate;
  - 2.3.8. Disclosures made as part of a limited data set;
  - 2.3.9. Those disclosures that occurred prior to April 14, 2003.
  - 2.3.10. Disclosures for facility directories or to persons involved in the individual's care or other permitted notification purposes.
- 2.4. **Temporary Disclosures.**
- 2.4.1. In those situations, where Great Rivers BH-ASO has made disclosures to a health oversight or law enforcement agency as permitted by law and, the agency has provided Great Rivers BH-ASO with a written statement that inclusion of such disclosures would be reasonably likely to impede with their activities and, the agency has provided a specific time period our policy will be to exclude those disclosures from any accounting requested by the subject Individual. At the end of the specific time period, the policy will be to include any disclosures made to the agency during that period in any future accountings.
  - 2.4.2. Should the health oversight or law enforcement agency provide Great Rivers BH-ASO with an oral statement that a disclosure to the Individual would be reasonably likely to impede their activities, it is Great Rivers BH-ASO's policy to withhold disclosures for a thirty (30) day period after which Great Rivers BH-ASO will include the disclosures in requested accountings unless a written statement requesting a longer time period has been provided by the requesting agencies during the thirty (30) day period.
- 2.5. **Required Content.** Great Rivers BH-ASO's policy will be to include the following items in every accounting:
- 2.5.1. The date of the disclosure;
  - 2.5.2. The name and address (if the address is known) of the person or organization receiving the PHI;
  - 2.5.3. A brief description of the PHI disclosed; and

- 2.5.4. A brief statement that reasonably informs the Individual of the purpose for the disclosure.
- 2.6. **Multiple Disclosures.** Great Rivers BH-ASO's policy with respect to multiple disclosures of an Individual's PHI to the same person or entity for the same purpose will be to present all of the information listed above for the first disclosure in the accounting period. In addition, Great Rivers BH-ASO will present the frequency, periodicity, or number of disclosures made during the accounting period and the date of the most recent disclosure.
- 2.7. **Research.** If Great Rivers BH-ASO provides an accounting for Research Disclosures and if it is reasonably likely that the PHI of the Individual was Disclosed for the Research protocol or activity, then North Sound BH-ASO at the request of the Individual, shall assist in contacting the entity that sponsored the Research and the researcher. See Policy 2513.00: Research. If during the period covered by the accounting, North Sound BH-ASO has made Disclosures of PHI for a particular Research purpose, without an authorization, in accordance with HIPAA for fifty (50) or more people, then the accounting with respect to these Disclosures may provide the content described below.
- 2.7.1. The name of the protocol or other Research activity;
- 2.7.2. A description, in plain language, of the Research protocol or other Research activity, including the purpose of the Research and the criteria for selecting particular records;
- 2.7.3. A brief description of the type of PHI that was Disclosed;
- 2.7.4. The date or period of time during which the Disclosures occurred or may have occurred, including the date of the last Disclosure during the accounting period;
- 2.7.5. The name, address and telephone number of the entity that sponsored the Research and the researcher to whom the information was Disclosed; and
- 2.7.6. A statement the PHI of the Individual may or may not have been Disclosed for a particular protocol or other Research activity.
- 2.8. **Special Accounting of Disclosures for Part 2 Information.** Upon request, Individuals who have authorized the Disclosure of Part 2 Information using a general designation for the participants of a recipient must be provided a list of entities to which Part 2 information about them has been Disclosed under the general designation. This list is limited to Disclosures in the previous two (2) years. The recipient entity must respond to the request in writing within thirty (30) days and provide, for each Disclosure, the name of the entities to which the Disclosure was made, the date of this Disclosure, and a brief description of the Part 2 Information disclosed. Great Rivers BH-ASO generally will not be responsible for this accounting.
- 2.9. **Fees.** Great Rivers BH-ASO will provide the first accounting in any twelve (12) month period, beginning with the Individual's first request for an accounting, at no charge. Any additional request for accounting from the same Individual during that initial twelve (12) month period will be made subject to the Individual's agreement to pay a reasonable, cost-based fee for the additional accounting. Great Rivers BH-ASO will inform the Individual of the fee and obtain their written agreement to pay the fee prior to preparing the accounting. Great Rivers BH-ASO will offer the Individual an opportunity to withdraw or modify their request in order to avoid or reduce the fee.

POLICY SIGNATURE

DocuSigned by:  
**Vickie L. Raines**  
2EC90BCE63204EC

12/10/2021

Vickie L. Raines, Chair

Date

Great Rivers BH-ASO Governing Board