

SEPA Labs	Policy & Procedure HIPAA / PRIVACY ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION	FUNCTION
		NUMBER 3a
		PRIOR ISSUE
		EFFECTIVE DATE January 1, 2014

PURPOSE

Patients have the right to receive an accounting of the disclosures of their Protected Health Information (“PHI”) maintained in their Designated Record Set. The following is the process for responding to a patient’s request for an accounting of disclosures of their PHI made by SEPA Labs.

POLICY

Each patient may request and receive an accounting of trackable disclosures of PHI made by SEPA Labs. The potential areas where accounting of disclosures applies are listed in the *Notice of Privacy Practices*. SEPA Labs will provide such an accounting, in accordance with the HIPAA Privacy Rule, when requested by a patient or a patient’s personal representative. The requested information will not include PHI released or disclosed on or prior to April 13, 2003.

Records of disclosures are retained for a six-year period.

PROCEDURE

1. Upon receiving an inquiry from a patient, a SEPA Labs Privacy Official provides the patient or personal representative with a copy of a *Request for an Accounting of Disclosures of PHI* (“Request”) form. (See sample *Request* form following this Policy.)
Requests are not evaluated until the *Request* form is completed and signed by the patient or personal representative.
2. A SEPA Labs Privacy Official reviews and processes the request.
3. SEPA Labs provides a written accounting no later than 60 days after receipt. If SEPA Labs is unable to meet the 60-day time frame, SEPA Labs may extend the time once by no more than 30 days as long as the individual is provided with a written statement of the reasons for the delay and the date by which SEPA Labs will provide the accounting. (See the *Notification of Time Extension* form in the Policy “Former Patient’s Access to Protected Health Information.”)
4. A written accounting is provided to the requestor using an *Accounting of Disclosures* log. (See sample log following this Policy.)
 - a. The accounting will include disclosures during the period specified by the patient or personal representative in the request. The specified period may be up to six years prior to the date of the request. Disclosures made on or before April 13, 2003 will not be included in the accounting.
 - b. SEPA Labs will include known disclosures made by its Business Associates, if aware of any such disclosures required to be included in an accounting.
 - c. For each disclosure, the accounting will include:

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- i. Date the request for disclosure was received;
 - ii. Name of entity requesting disclosure and, if known, the address of such person or entity;
 - iii. A brief description of the PHI that was disclosed; and
 - iv. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure.
- d. If there are multiple disclosures for health oversight or law enforcement officials for a single purpose, SEPA Labs may provide:
 - i. The first disclosure during the accounting period;
 - ii. The frequency, or number of disclosures made during the accounting period;
 - iii. The date of the last such disclosure during the accounting period.
- 5. For disclosures of PHI for research purposes in a project consisting of fifty or more individuals, the accounting may provide:
 - a. Name of protocol or other research activity;
 - b. Description and purpose of research, criteria for selecting particular records;
 - c. Brief description of the type of PHI disclosed;
 - d. Date or period of time during which disclosure(s) occurred, including date of last disclosure during accounting period;
 - e. Name, address, telephone number of entity that sponsored the research and of the researcher to whom the information was disclosed;
 - f. Statement that PHI of the patient may or may not have been disclosed for a particular protocol or the research activity.
- 6. SEPA Labs may impose a reasonable, cost-based fee for each request for an accounting, provided SEPA Labs has informed the requesting party of the charges in advance, giving the party the opportunity to withdraw or modify the request.
- 7. SEPA Labs may exclude those disclosures that qualify as an exception.
- 8. SEPA Labs must document and retain for six years from the date of the accounting:
 - a. The information required to be included in the accounting, and
 - b. The written accounting provided to the requesting party.

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POTENTIAL AREAS WHERE ACCOUNTING OF DISCLOSURES APPLIES:

1. ***Disclosures to Public Health Authorities***
 - For the purpose of preventing or controlling disease, injury or disability
 - To conduct public health surveillance
 - For public health investigations and interventions
 - To a foreign government agency at the request of a public health authority
 - If necessary, to prevent or lessen a serious and imminent threat to the health or safety of an patient or the public
2. ***Disclosures to an Employer***
 - Only PHI specific to a work-related illness or injury, and
 - Required for the employer to comply with its obligations under federal or state occupational safety and health laws
3. ***Disclosures to Health Oversight Agencies***
 - For government benefit program eligibility
 - To determine compliance with civil rights laws
 - For civil, administrative or criminal investigations, proceedings or actions
4. ***Disclosures in Judicial and Administrative Proceedings***
 - In response to a court order or court ordered warrant
 - In response to a subpoena, only if approved by SEPA's Legal Department
5. ***Disclosures to Law Enforcement Officials***
 - For the purpose of locating a suspect, fugitive, material witness or missing person
 - About a patient who is or is suspected to be a victim of a crime
 - Regarding crimes on SEPA Labs premises
 - Regarding suspicious deaths
 - In response to an administrative request, civil investigative demand or grand jury subpoena, after review by SEPA's Legal Department
 - For the purpose of averting a serious threat to health or safety
6. ***Disclosures about victims of abuse, neglect or domestic violence***
 - To a government authority authorized by law to receive reports of abuse, neglect or domestic violence
7. ***Disclosure of Deceased Persons' PHI***
 - To the Coroner, Laboratory Examiner or Funeral Directors
 - To organ procurement organizations

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8. Disclosures for research

- Only if disclosure was made without an authorization as permitted by the Privacy rule

9. Disclosures for Specialized Government Functions

- To Armed Forces personnel for military purposes
- To authorized federal officials for the protection of the patient and other Federal officials
- To other government agencies, if approved by SEPA's Legal Department

10. Disclosures for Worker's Compensation

- As authorized by and to the extent necessary to comply with the law

EXCEPTIONS TO ACCOUNTING OF DISCLOSURES:

Accounting of disclosure does not include disclosures:

- Necessary to carry out treatment, payment, and health care operations
- To the patient for whom the PHI was created or obtained
- Pursuant to a signed authorization by the patient or personal representative
- For national security or intelligence purposes
- To a correctional institution
- Temporarily suspended by a law enforcement official or health oversight agency (exception applies only during the period of suspension)
- That are incidental
- As part of a Limited Data Set

**SAMPLE
REQUEST FOR AN ACCOUNTING OF DISCLOSURES
OF PROTECTED HEALTH INFORMATION**

Patient's Name: _____ Laboratory Record Number: _____

Facility's Name: _____ Facility Number: _____

Date Range to be Included

I would like an accounting of disclosures of my Protected Health Information (PHI) for the following time frames.

(Please note the maximum time frame that can be requested is six years prior to the date of this request.)

From Date	_____	To Date	_____
From Date	_____	To Date	_____
From Date	_____	To Date	_____

Fees

First request in a 12-month period:	Statutory Allowed Costs
Subsequent Requests:	(Cost-based fee per entity)

I understand that there may be a fee for this accounting and wish to proceed. I also understand that the accounting will be provided to me within 60 days unless I am notified in writing that an extension of up to 30 days is needed.

Qualified Exceptions to the Accounting

I understand that, by law, SEPA Labs is not required to account for disclosures that meet the following criteria:

- The disclosure was necessary to carry out treatment, payment, and health care operations.
- The disclosure was to the patient for which the PHI was created or obtained.
- The disclosure was pursuant to a signed authorization by the patient or personal representative.
- The disclosure was for national security or intelligence purposes.
- The disclosure was to a correctional institution or law enforcement official.
- The disclosure occurred prior to April 13, 2003.

Signature of Patient or Personal representative

Date

Distribution of copies: Original to patient's Laboratory Record, copy to patient

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