

UNIVERSITY OF FLORIDA
INFORMATION PRIVACY POLICIES & PROCEDURES
HEALTH INFORMATION OPERATIONAL GUIDELINES

I. Accounting for Disclosures

A. POLICY

Rev.06/01/2009

1. **Patients** have a right to receive an accounting of disclosures of protected health information (PHI) made from their designated record set, when the disclosures:
 - a) *Were not related to treatment or health care operations, and*
 - b) *Were not authorized by the patient.*
2. **Fees for provision of accounting.**
 - a) *The University must provide the first accounting, in any 12-month period, without charge to a patient.*
 - b) *For each subsequent request by the same patient within the 12-month period, UF may impose a reasonable, cost-based fee provided that the requestor is informed in advance and is given an opportunity to withdraw or modify the request in order to avoid or reduce the fee.*
3. **UF's On-Line Disclosure Tracking System must be used to record all qualifying disclosures.** Information in the system must be maintained for at least six years.
 - a) *Only authorized users may access and enter data into the System.*
 - b) *Each department, clinic, or other area responsible for any PHI must designate at least one person as an authorized user.*

B. DEFINITIONS

1. **Disclosure:** The release, transfer, provision of access to, or divulging in any manner, of PHI held by the University of Florida.
2. **Designated Record Set:** A group of records, including health and billing records, which contain PHI, maintained by the University of Florida and used to help make decisions about patients.
3. **Authorized User:** Person(s) designated by their unit to access the On-line Disclosure Tracking System: responsibilities include obtaining and maintaining a system log-on and password, entering required data about disclosures, and assisting the Privacy Office to respond to requests for accountings of disclosures.

C. PRIVACY REQUIREMENTS

1. **Information to be tracked for each disclosure includes:**
 - a) *The date of the disclosure;*
 - b) *The name of the entity or person who received the PHI and, if known, their address;*
 - c) *A brief description of the PHI disclosed; and*
 - d) *The purpose of the disclosure.*

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- 2. Exceptions:** UF is not required to account for the following disclosures of PHI:
- a) *To carry out treatment, payment and health care operations;*
 - b) *To patients, about themselves;*
 - c) *Incidental to a use or disclosure otherwise permitted or required;*
 - d) *Pursuant to an authorization by the patient;*
 - e) *For the facility's directory, or to persons directly involved in the patient's care, or other notification purposes;*
 - f) *For national security or intelligence purposes;*
 - g) *To correctional institutions or law enforcement officials in custodial situations;*
 - h) *Disclosures that occurred prior to April 14, 2003.*
- 3. Provision of an accounting:** The University must act on a patient's request for an accounting no later than 60 days after receipt of a written request.

D. PROCEDURES:

- 1. Accessing and using the Online Disclosure Tracking System:**
- a) *The person(s) designated by a department, division or clinic to enter data into the system must complete the Disclosure Tracking tutorial and apply for a user ID and password from the Privacy Office. User ID's expire after 90 days of non-use, but can be re-activated by contacting the Privacy Office.*
 - b) *The tutorial, instructions and forms for applying for access are located on the Privacy website at <http://privacy.health.ufl.edu>*
- 2. Recording Disclosures:** When a disclosure of PHI meeting the policy criteria or an accidental or illegal disclosure has been discovered:
- a) *Complete an Incident Report to notify the Privacy Office of the disclosure; and then,*
 - b) *Record the disclosure in the on-line Disclosure Tracking System. Enter all information requested (following the detailed instructions in the Disclosure Tracking System User Guide) concerning the following types of disclosures of PHI (not all-inclusive):*
 - (1) Reporting for Public Health requirements: Poison control, Accidental deaths, Vaccination reactions
 - (2) Reporting Abuse or Neglect: Children, Elderly, or Mentally Disabled
 - (3) Reporting for Health Oversight Activities:
 - (a) *Illnesses, injuries or deaths due to medical devices*
 - (b) *Required tracking of FDA-regulated products*
 - (c) *Disaster relief activities*
 - (4) For limited Law Enforcement Purposes:
 - (a) *Identification and Location Purposes*

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- (b) Crime Reporting and Investigation*
- (5) For services and processes related to Decedents, including:
 - (a) Funeral Directors, Coroners, and Medical Examiners*
 - (b) Organ, Eye, and Tissue Donation Organizations*
- (6) To avert serious threats to Health or Safety
- (7) For Specialized Government Functions: Military and Veterans Activities, VIP Protective Services, Medical Suitability (public officials)
- (8) Workers' Compensation disclosures not authorized by the patient
- (9) Known accidental and/or illegal disclosures

3. Requesting an Accounting of Disclosures

- a) Patients should submit a request in writing to the Director of Health Information Management or his/her designee, or to the Clinic Manager. The request must state a time period, not longer than six years.*
- b) The first accounting request within a 12 month period will be free of charge. For additional accountings, UF may charge for the costs of providing the accounting. Notify the patient of the cost involved prior to beginning the accounting process, to give the patient an opportunity to withdraw or modify the request before any costs are incurred.*

4. Responding to Written Requests for Accounting of Disclosures

- a) Verify the identity of the requestor, and, if not the patient, the relationship of the requestor to the patient, and their authority to receive the accounting.*
- b) If any disclosures have been recorded on a paper Tracking Log in the patient's health record, attach a copy of the Log to the original Request for Accounting, and forward both to the Privacy Office. If there is no Tracking Log in the patient's health record, send only the Request form.*
- c) The Privacy Office will coordinate the response to the request. Maintain a copy of the response, when received, in the patient's health record.*
- d) Calculate fees for an accounting at an hourly rate, to include all persons involved in compiling the requested information, but not to exceed \$50.00.*

5. Grounds for temporary suspension of right to receive an accounting:

- a) UF must temporarily suspend a patient's right to receive an accounting of disclosures made to a health oversight agency or law enforcement official upon request by the agency or official.*
- b) Such requests should be made in writing, however, if the request is made orally, the University must document the statement, including the identity of the agency or official making the statement. Temporary suspensions should be limited to no longer than 30 days from the date of the request.*

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6. **Accounting for Disclosures During Research.** Researchers who disclose protected health information to individuals or entities outside of the medical components of the University of Florida are responsible for tracking all disclosures that were not related to treatment or health care operations, and which were not authorized by the patient or the IRB.

E. REFERENCES:

HIPAA: 45 CFR § 164.528 (Accounting of Disclosures)

F. EXHIBITS: None