

UNIVERSITY OF FLORIDA  
INFORMATION PRIVACY POLICIES & PROCEDURES  
PRIVACY MANAGEMENT

**HIPAA: Responding to a Request for an Accounting of Disclosures**

**POLICY**

Rev: 06/01/2005

1. Patients have a right to receive an accounting of disclosures of PHI made from their designated record set, that were not related to treatment, payment, or health care operations, and that were not authorized by the patient.
2. The University of Florida web-based Disclosure Tracking System must be used to record all appropriate disclosures; information in the system must be maintained for at least six years.

**DEFINITION**

*Disclosure:* The release, transfer, provision of access to, or divulging in any manner, of protected health information held by the University of Florida to an entity or person outside the University of Florida.

**PRIVACY REQUIREMENTS**

1. Information to be tracked for each disclosure includes:
  - a. The date of the disclosure;
  - b. The name and address of the entity or person who received the PHI;
  - c. A brief description of the PHI disclosed; and
  - d. The purpose of the disclosure.
2. **Exceptions:** The University of Florida is not required to account for the following disclosures:
  - a. To carry out treatment, payment and health care operations
  - b. To patients, when requesting PHI about themselves
  - c. Incidental to a use or disclosure otherwise permitted or required
  - d. Pursuant to a valid authorization by the patient
  - e. For the facility's directory or to persons directly involved in the patient's care
  - f. For national security or intelligence purposes
  - g. To correctional institutions or law enforcement officials involved with inmates
  - h. Disclosures that occurred prior to April 14, 2003.
3. The University of Florida must act on the patient's request for an accounting no later than 60 days after receipt of such a request.

**PROCEDURES**

1. Requests for accountings of disclosures should be received in writing, and should be accompanied by a photocopy of the patient's Disclosure Log, **if one exists**, from the clinical area that initially received the request.
  - a. If the request involves medical records held by Shands HI/RM Department, forward a copy of the letter to that department.
  - b. If the request is the second or subsequent request within a 12-month period, inform the patient or representative of the fees for compiling the accounting before beginning.
2. Refer to the disclosure log from the patient's record and the electronic database (Disclosure Tracking System); account for only those disclosures that were not related to treatment, payment, or health care operations and were not authorized by the patient, during the time period specified in the request.

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- a. Accounting for disclosures for research: Notify all Principle Investigators of the request and need to respond within 10 working days.
  - b. Accounting for disclosures to and by business associates: Any business associates involved with the patient's care or payment should be notified and requested to account for any qualifying disclosures within 10 working days.
3. *Multiple disclosures:* If the University of Florida has made multiple disclosures of PHI to the same person or entity for a single purpose, provide:
- a. The required information (see above) for the first disclosure during the accounting period;
  - b. The frequency and/or number of the disclosures made during the accounting period; and
  - c. The date of the last such disclosure during the accounting period.
4. For second and subsequent requests within a 12-month period, calculate fees for the accounting at an hourly rate; include all persons involved in compiling the requested information, up to but not exceeding \$50.00 total.
5. Compile the information from all sources and enclose it in a letter to the patient. Retain the original request (and copy of the disclosure log) in the Privacy Office along with a copy of the letter sent to the patient.
6. Send a copy of the letter to the appropriate area to be filed in the patient's medical record.

**REFERENCES:** HIPAA Regulations: 45 CFR § 164.501 (Definitions); § 164.

**EXHIBITS** None