

<b>Divisions:</b> All Divisions	<b>Policy Number 179.10.02</b>
<b>Subject:</b> ACCOUNTING FOR DISCLOSURES	
<b>Approved:</b> Executive Director	
<b>Approved:</b> Associate Director	
<b>Approved:</b> CADE BOD	
<b>Effective Date:</b> April 14, 2003	
<b>Review Dates:</b>	
<b>Revised Dates:</b>	

### **Purpose**

The purpose of this policy is to explain the procedures involved in accounting for disclosures of patient protected health information.

### **Policy**

In general, individuals shall have the right to receive an accounting of protected health information (PHI) disclosures made by The Center for Advanced Dental Education in the six years prior to the request. The Center is not required to account for any disclosures that occurred prior to the compliance date of April 14, 2003. It must account for disclosures of PHI for occurrences other than Treatment, Payment or Health Care Operations (TPO). These require an authorization from either the patient or surrogate decision maker, however, referring physicians (physicians requesting consults or specialty procedures) will not require an authorization or accounting of disclosure of PHI. Disclosures for law enforcement purposes or required by statutory law do not need an authorization.

### **Overview**

- (1) Patients have a right to receive an accounting of disclosures that you make for purposes other than treatment, payment, and health care operations, including disclosures by or to your business associates. This right applies to disclosures that have been made up to 6 years prior to the date of a request for an accounting
- (2) For multiple disclosures to the same recipient pursuant to a single authorization under or for a single purpose, summarize the series of disclosures by providing the information otherwise required above for the first disclosure in the series during the accounting period; the frequency, periodicity, or number of disclosures made during the accounting period; and the date of the most recent disclosure in the series.
- (3) In lieu of the statement of purpose, a copy of the individual's authorization or a copy of a written request for disclosure, if any, is sufficient.
- (4) Provide a copy of a Disclosure of Dental Information to the individual no later than 60 days after receipt of the request. Redact any entries on a disclosure log indicating disclosure to your professional liability carrier, health oversight agencies or law enforcement officials (for the time period specified by the applicable agency or official if the agency or official makes such a request and provides you with the required statement).
- (5) If you cannot meet the 60-day deadline, you can extend the deadline by no more than 30 days by informing the individual in writing, within the standard 60-day deadline, of the reason for the delay and the date by which you will provide the request. (You may only extend the deadline one time per request for accounting.)
- (6) Track each accounting provided to a patient on Disclosure of Dental Information form by indicating on a Disclosure Log the date of the accounting (and the purpose of the disclosure [ "accounting"]).
- (7) You must provide the first accounting to an individual in any 12-month period without charge. After that, you may charge a reasonable, cost-based fee if you inform the patient of the fee in advance and give

them an opportunity to withdraw or modify the request in order to avoid or reduce the fee.

#### Procedures

#### Right to Accounting of Disclosure of PHI

The Center for Advanced Dental Education must provide the individual with a written accounting that meets the following requirements:

Except as otherwise provided, the accounting must include disclosures of PHI that occurred during the six years (or shorter time period if requested) prior to the date of the request. This includes disclosures to and by business associates.

#### Content Standards for the Accounting of Disclosure of PHI

1. The accounting for each disclosure must include:
  - a. The date of the disclosure
  - b. The name of the entity or person who received the PHI and, if known, the address of such entity or person
  - c. A brief description of the PHI disclosed; and
  - d. A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure; or, in lieu of such statement;
    - i. A copy of the individual's written authorization; or
    - ii. A copy of a written request for a disclosure if any
- a. The information required above;
- b. The frequency or number of disclosures made during the accounting period; and
- c. The date of the last such disclosure during the accounting period
2. If The Center for Advanced Dental Education has made multiple disclosures of PHI to the same person or entity for a single purpose, or pursuant to a single authorization, the accounting may, with respect to such multiple disclosure, provide:

#### Compliance Standards

1. The Center for Advanced Dental Education must act on the individual's request for an accounting, no later than 60 days after receipt of such a request, as follows.
  - a. Provide the individual with the accounting requested; or
  - b. If the Center is unable to provide the accounting within the time required above, it may extend the time to provide the accounting by no more than 30 days, provided that:
    - i. Within the time limit of 60 days, it provides the individual with a written statement of the reasons for the delay and the date by which it will provide the accounting; and
    - ii. Only one such extension of time for action on a request for an accounting.
2. The Center for Advanced Dental Education must provide the first accounting to an individual in any 12-month period without charge. A reasonable charge may be imposed as a cost-based fee for each subsequent request for an accounting by the same individual within the 12-month period, provided that the Center informs the individual in advance of the fee and provides the individual with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.

#### Documentation for Accounting of Disclosures

The Center for Advanced Dental Education personnel need to account for disclosures of PHI by documenting any such disclosures. The Center will be responsible for receiving and processing requests for an accounting of disclosures and must document and maintain a copy of the following:

1. The required information to be included in an accounting of disclosures, as outlined in the above section "Content Standards for the Accounting of Disclosure of PHI."
2. The written accounting that is provided to the individual requesting an accounting of disclosures.

#### Exceptions to the Right of Accounting of Disclosures

1. In accounting for disclosures of PHI:
  - a. The Center for Advanced Dental Education must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official if such agency or official provides the Center with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities. The written statement must specify the time for which such a suspension is required.
  - b. If the agency or official suspends an individual's right to receive an accounting of disclosures and the statement is made orally, The Center for Advanced Dental Education must:

1. Document the statement, including the identity of the agency or official making the statement;
  2. Temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and
  3. Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement from the suspending agency or official is submitted during the time period.
2. The Center is not required to account for the following disclosures:
- a. To carry out TPO;
  - b. To individuals requesting their own PHI;
  - c. For the facility's directory or to persons involved in the individual's care or other notification purposes;
  - d. For national security or intelligence purposes;
  - e. To correctional institutions or law enforcement officials; or
  - f. That occurred prior to the compliance date of April 14, 2003.