

[INSERT NAME OF MENTAL HEALTH COUNSELING ORGANIZATION]

Policy Number: _____

Effective Date: __/__/__

Subject: _____

Revised: __/__/__

Policy Name: **Accounting of Disclosures**

Approved: _____

POLICY

The patient/client has the right to request a list of disclosures of the patient's/client's PHI.

PROCEDURE

1. Requests for an accounting of disclosures must be made in writing. All requests should be forwarded to [Insert Title].
2. The [Insert Title/Department] is responsible for accounting for all disclosures. The following disclosures do not need to be included in the accounting:
 - 2.1 Prior to April 14, 2003
 - 2.2 To carry out treatment, payment or healthcare operations
 - 2.3 To individuals of their own PHI
 - 2.4 Pursuant to an authorization
 - 2.5 Incident to a use or disclosure otherwise permitted or required by the Privacy Standards
 - 2.6 For facility directories
 - 2.7 To a family member, or to any other person identified by the individual, of information directly relevant to such person's involvement with the individual's care;
 - 2.8 To notify a family member or another person of the individual's location or general condition;
 - 2.9 As part of a "limited data set" (as defined by the Privacy Standards)
 - 2.10 To correctional institutions or law enforcement officials
 - 2.11 For national security or intelligence
3. Disclosures of PHI that could have been made by a business associate must be included.
4. Upon receipt of a patient/client request, an accounting of disclosures must be provided. The list of disclosures must include:
 - 4.1 Date
 - 4.2 Name and address of the person or entity who received the information
 - 4.3 Brief description of the information disclosed
 - 4.4 Purpose of the disclosure

If multiple disclosures are made to the same person/entity for the same purpose, it is sufficient to list all required information for the first disclosure, and then specify the number or frequency of disclosures, and date of the last disclosure.

5. The request must be responded to within 60 days. However, if the Covered Entity is unable to respond to the request in 60 days, the response time may be extended one time by up to 30 additional days. In this case, the Covered Entity must notify the patient/client within the original 60-day deadline of the date by which the Covered Entity will respond to the request, and the reason for the delay.
6. The patient/client is entitled to one accounting of disclosures without charge during any 12-month period. A reasonable cost-based fee may be charged for additional accountings.
7. If there are disclosures to a health oversight or law enforcement agency that must be accounted for, the patient's/client's right to receive a listing of disclosures may be temporarily suspended upon request of the agency, for no more than 30 days.
8. Accounting of disclosures of PHI in the research context involves additional documentation.

ATTACHMENT

Accounting of Disclosures Log

REFERENCES

45 C.F.R. §164.528
45 C.F.R. §164.530(j)