

POLICY INFORMATION

Policy Title: Accounting of Disclosures Policy and Procedure

Departmental Owner: Chief Compliance, Audit, and Privacy Officer

Version Effective Date: 2/28/24

Last Reviewed: 2/28/24

SCOPE

This policy applies to the following individuals and/or groups:

All of the below categories

All Employees CT Employees NY Employees Remote Employees Contractors Volunteers Students/Interns Vendors

This policy applies to all above listed Nuvance Health workforce members including but not limited to the following locations:

All of the below entities

Nuvance Health Systems

Danbury Hospital (including New Milford Hospital Campus)

Northern Dutchess Hospital

Norwalk Hospital

Putnam Hospital

Sharon Hospital

Vassar Brothers Medical Center

Health Quest Systems, Inc. "(HQSI)"

Health Quest Home Care, Inc

Hudson Valley Cardiovascular Practice, P.C. (aka The Heart Center) ("HVCP")

Other HQSI-affiliated Entities Not Listed

Western Connecticut Home Care, Inc ("WCHN")

Western Connecticut Health Network Physician Hospital Organization ACO, Inc.

Western Connecticut Home Care, Inc

Other WCHN-affiliated Entities Not Listed

Nuvance Health Medical Practices (NHMP PC, NHMP CT, ENYMS & HVCP)

POLICY STATEMENT/PURPOSE

The purpose of this policy is to respond appropriately to requests from patients for an Accounting of Disclosures concerning their protected health information ("PHI"). A patient's right to request and receive an Accounting of Disclosures is contained under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

DEFINITIONS

Accounting of Disclosures: A listing of PHI disclosed to individuals/entities to include date of disclosure, name of recipient, a brief description of the information disclosed, a brief statement as to the purpose of the disclosure.

Disclosure: The release, transfer, provision of access to, or disclosure of PHI outside of a Nuvance entity to a person or organization other than an affiliated Nuvance entity

See: HIPAA Glossary

POLICY

It is the policy of Nuvance Health and its' affiliates ("Nuvance") to keep an accurate accounting of disclosures made of patients' PHI as outlined below. Nuvance will provide an Accounting of Disclosures to patients or their personal representatives within sixty (60) days from the receipt of the request and in accordance with applicable law. If it is not

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Revision Dates: 2/28/24

Supersedes: HQ 5.2.01 Accounting of Disclosures Policy;
HQ 5.2.01 Accounting of Disclosures Procedure

possible to provide the accounting within 60 days, the time for providing the accounting may be extended by no more than thirty (30) days. Only one extension is permitted.

POLICY STATEMENT:

- A. An accounting of disclosure is not required in the following circumstances:
1. To carry out treatment, payment, or health care operations
 2. To the patient or the patient's personal representative
 3. Incidental disclosure to the use or disclosure otherwise permitted or required by the HIPAA Privacy Rule
 4. Pursuant to a valid authorization for release of information
 5. For the entity's directory, or to persons involved in the patient's care, or for other notification purposes
 6. For national security or intelligence purposes
 7. To correctional institutions, or law enforcement officials
 8. Disclosures that occurred prior to April 14, 2003
 9. Disclosures as part of a limited data set disclosed for research or public health
- B. Disclosures that Commonly Qualify for Accounting:
1. For public health activities (i.e., immunizations, infectious/communicable disease reporting — HIV, STD, foodborne, vital statistics, newborn screening, poison control, animal bites)
 2. Victims of abuse, neglect or domestic violence
 3. For health oversight activities (i.e., audits, inspections, oversight reviews) in response to a subpoena, judicial or administrative proceedings if not accompanied by a patient authorization
 4. For law enforcement purposes
 5. To coroners, medical examiners, and funeral directors
 6. For cadaveric organ, eye, or tissue donation and transplantation purposes
 7. To avert a serious threat to health or safety
 8. Disclosures for specialized government functions, except National Security and intelligence activities (i.e., military, and veteran activities)
 9. Otherwise required/permitted by law (i.e., workers' compensation, registries, advisory boards)
 10. For human-subject research activities that do not require an individual's authorization
 11. Inappropriate Disclosures (e.g., misdirected fax, e-mail, mail sent to wrong address)
 12. PHI known to be contained on a lost or stolen electronic device such as a laptop computer or cell phone
 13. PHI known to be contained on a lost or stolen form of portable electronic media

PROCEDURE

Nuvance will keep an accurate accounting of disclosures made of patients' Protected Health Information ("PHI") as outlined below. Nuvance will provide an accounting of disclosures to patients or their personal representatives within sixty (60) days from the receipt of the request and in accordance with applicable law.

LOGGING DISCLOSURES

1. In order to supply an accounting of disclosures upon request, disclosures for which an accounting is required must be logged as they occur in the accounting of disclosures log ("Log") or electronic equivalent. Proper photo identification ("ID") must be included whether in person or via fax or e-mail. If by mail must be notarized.

2. An accounting of disclosures log or electronic equivalent will be retained in each component of the designated record set. When a disclosure is made based upon or produces any written documentation associated with the disclosure, the written documentation should be filed behind the Log, or the Log annotated with the location of the documentation. While Nuvance facilities are not obligated and will not provide evidence of this documentation for purposes of a patient-requested accounting of disclosures, Nuvance believes it will be necessary to support disclosures by Nuvance entities in any action which may cause the Nuvance entity to have to provide evidence of the legality of any disclosure.

REQUEST FOR ACCOUNTING

1. Patients may request an accounting of disclosures by submitting a request in writing on the “Request for Accounting of Disclosures” form to the respective medical records or the billing department of the Nuvance entity where the patient received treatment.
2. The request must state the time period for which the accounting is to be supplied. The time period:
 - a. May not be longer than six (6) years; and
 - b. May not include dates before April 14, 2003.
3. The request must state whether the patient wishes to be sent the accounting via postal mail or would rather pick it up in person.

SUSPENSION OF AN INDIVIDUAL’S RIGHT TO REQUEST AN ACCOUNTING OF DISCLOSURES

1. Nuvance must temporarily suspend an individual’s right to receive an accounting of disclosures to a health oversight agency or law enforcement official for the time specified by the agency or official if the agency or official provides Nuvance with a written statement. The statement must contain information indicating that an accounting to the individual would likely impede the agency’s activities and must specify the timeframe for the suspension.
2. If the agency or official statement is made orally, Nuvance must:
 - a. Document the statement, including the identity of the agency or official making the statement;
 - b. Temporarily suspend the individual’s right to an accounting of disclosures subject to the statement; and
 - c. Limit the temporary suspension to no longer than thirty (30) days from the date of the oral statement, unless a written statement is submitted during that time.

PROCESSING A REQUEST FOR ACCOUNTING

1. Determine whether an individual’s right to request an accounting of disclosures is suspended.
 - a. Written Statement: Review the designated record set to determine if it contains a written statement from a health oversight agency or law enforcement official that such an accounting to the patient be suspended because such an accounting would impede the agency’s activities. If such a statement exists, review the time period of the suspension.
 - i. If the suspension is for less than or equal to sixty (60) days from the date of receiving the request, hold the request until the suspension period has ended and then process the request.

- ii. If the suspension is for more than sixty (60) days from the date of receiving the request, send the “Request for Accounting of Disclosures” form indicating that the entity is temporarily unable to process the accounting due to a suspension required by law. Indicate on the form that the Nuvance entity will comply with the request when the suspension has been lifted, and specify the date on which the suspension will be lifted.
 - b. Oral Statement: Review the designated record set to determine if an oral request for a suspension from a health oversight agency or law enforcement official has been documented.
 - i. Hold the accounting of disclosure request until the end of the suspension period but no longer than thirty (30) days.
2. Review the Accounting of Disclosures Log or electronic equivalent to determine whether there are disclosures applicable to the time period for which an accounting is being requested.
 - a. The designated record set and compliance disclosure log must be reviewed for all of the below:
 - i. Disclosures of HIV-related information unless excepted in the policy
 - ii. Disclosures made in response to a subpoena or other judicial or administrative proceeding if not accompanied by a patient authorization
 - iii. Disclosures made for public health activities, including reports of vital events, public health surveillance, and investigations; communicable disease; adult and child abuse, neglect, or domestic violence; information associated with an FDA regulated product or activity; to an employer to conduct an evaluation relating to medical surveillance of the workplace or to evaluate whether the individual has a work-related illness or injury and the employer needs such information to comply with federal or state law and notice has been given to the individual at the time care is provided or there is a notice at the work site
 - iv. Disclosures made for health oversight activities or law enforcement purposes unless the health oversight or law enforcement agency has provided an official statement to temporarily suspend the individual’s right to receive an accounting for a specified period of time during which such an accounting would impede the agency’s activities
 - v. Disclosures to coroners, medical examiners, funeral directors, and for cadaveric organ donation purposes
 - vi. Disclosures to avert a serious threat to health or safety
 - vii. Disclosures for specialized government functions except national security and intelligence activities and correctional institutions or other law enforcement custodial situations
 - viii. Disclosures for workers’ compensation
 - ix. Disclosures for research activities that do not require an individual’s authorization
 - x. Disclosures known to have been made inadvertently or in error (e.g., as a result of a misdirected fax, e-mail, postal mail, etc.)
 - xi. PHI known to be contained on a lost or stolen electronic device such as a laptop computer or cell phone
 - xii. PHI known to be contained on a lost or stolen form of electronic media such as a CDROM or Flash Drive.

3. Generate the requested Accounting of Disclosures for the specific Nuvance entity that includes the following for each disclosure made during the accounting period:
 - a. The date(s) of the disclosure.
 - b. The name(s) and address(es) of organizations or persons to whom the disclosure was made.
 - c. A brief description of the PHI disclosed.
 - d. The brief statement of the purpose of the disclosure.
 - e. The name of the office to which questions should be directed.
 - f. The date that the accounting of disclosure request was fulfilled.

4. Send the requested accounting of disclosures to the patient within sixty (60) days of receiving the request. If the entity is unable to complete this process within sixty (60) days:
 - a. Send the Request for Accounting of Disclosures form to the patient indicating a thirty (30)day extension is needed to complete the process.
 - b. Indicate the date on which the accounting will be supplied.
 - c. Check off the reason for the delay.

5. A Nuvance entity will provide the first accounting to a patient in any twelve (12) month period without charge.

For any subsequent request within the twelve (12) month period, the entity will charge \$15.00, as specified on the Request for Accounting of Disclosures form. (A patient who does not wish to pay for subsequent accountings may withdraw the request and no accounting will be made.)

RESPONSIBILITY

Manager/Director of respective medical records department is responsible for oversight of the process.

ENFORCEMENT

All individuals whose responsibilities are affected by this process are expected to be familiar with the basic procedures and responsibilities created by this process. Failure to comply with this process will be subject to appropriate remedial and/or disciplinary action, up to and including termination of any employment or other relationship, in accordance with this policy and procedure.

REFERENCES

45 CFR 164.528
Request for Accounting of Disclosures Form

APPROVAL

DocuSigned by:

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2/28/2024

Signature

Date