



POLICY TITLE: Patient Rights – Right to an accounting of Disclosures of Protected Health Information

Responsible Department: Corporate Privacy Office

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SUMMARY & PURPOSE:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates. The HIPAA Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a Baptist Health or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule sets out how and with whom PHI may be shared.

The HIPAA Privacy Rule grants patients important rights with respect to health information obtained and maintained by Baptist Health. The Corporate Privacy Office is responsible for ensuring the confidentiality of Baptist Health patient medical information and responding to such requests. BHSF patients have the right to request an accounting of certain disclosures of health information made by Baptist Health.

POLICY:

It is the policy of Baptist Health South Florida, Inc. ("BHSF" or "Baptist Health") to comply with applicable state and federal laws, including those protecting the confidentiality of patient health information and establishing certain individual privacy rights. It is our policy to implement these laws in a way that supports our primary mission to the community regarding the delivery of quality health care in an efficient manner.

An individual has a right to request that Baptist Health provide an accounting of non routine disclosures of protected health information. This policy governs receiving and responding to patient requests for an accounting of disclosures of protected health information by the BHSF Corporate Privacy Office. All requests for an accounting of disclosures of protected health information from a patient should be directed to the Patient Experience representative of a BHSF facility or the Corporate Privacy Office.

SCOPE/APPLICABILITY:

This policy applies to Baptist Health, its affiliates, all workforce members, and others as described below who are responsible for records that include information about a patient that are used to provide treatment or make health care decisions about a patient or for billing purposes, to the Corporate Privacy Office who would respond to an

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individual's request for an accounting and to the designated record set custodians who would release information subject to a patient's request for an accounting of certain non-routine disclosures.

- **Workforce members.** Workforce members means employees, volunteers, trainees, temporary staff, and contractors/consultants who are not independent contractors under *Human Resources Policy 1150 - Independent Contractors*.
- **Medical staff members.** Medical staff members are treated as members of an organized health care arrangement with Baptist Health South Florida and must comply with this policy as if they are workforce members pursuant to their applicable medical staff bylaws.
- **Students.** Employed students are treated as workforce members. Non-employed students (fellows, residents, students) must comply with this policy as if they are workforce members pursuant to the terms of their applicable academic agreements.
- **Independent Contractors and Others.** Independent Contractors and others who have agreed to comply with Baptist Health's policies and procedures as a condition of receiving access to Protected Health Information (PHI) must comply with this policy as if they are workforce members.

PROCEDURES TO ENSURE COMPLIANCE:

1. Right to an accounting of disclosures of protected health information
 - a. An individual has the right to receive an accounting of disclosures of protected health information made by Baptist Health in the six years prior to the date on which the accounting is requested, except for disclosures:
 - i. To carry out treatment, payment and health care operations;
 - ii. To individuals of protected health information about them;
 - iii. Incident to a use or disclosure otherwise permitted or required;
 - iv. Pursuant to an authorization;
 - v. For the facility's directory or to persons involved in the individual's care or other notification purposes;
 - vi. For national security or intelligence purposes;
 - vii. To correctional institutions or law enforcement officials;
 - viii. As part of a limited data set in accordance; or
 - ix. That occurred prior to the compliance date for the covered entity.
2. Receiving Requests for an accounting of disclosures of protected health information
 - a. Anyone covered by this policy who receives a request from a patient for an accounting of disclosures of protected health information in the patient's medical, billing or other information shall inform the patient that such requests must be made to the Corporate Privacy Office or the Patient Experience representative of a BHSF facility and refer the patient to the Baptist Health Notice of Privacy Practices for information on how to make a request for an accounting of disclosures of protected health information.
 - b. Only the Corporate Privacy Office or a BHSF facility's Patient Experience representative may process requests for accounting of disclosures of protected health information. No other person, including a staff member, contractor, physician, nurse, or clergy member is authorized to accept a request for an accounting or respond to such a request, other than as set forth in the applicable HIPAA privacy policy.
 - c. When the Corporate Privacy Office or the Patient Experience representative of a BHSF facility receives a request from a patient for an accounting of disclosures of the patient's medical, billing or other information, they shall ensure the patient has fully completed the standard form for each BHSF facility from which the accounting of disclosures of protected health information is requested.
 - d. Upon receipt of a fully completed form(s) for an accounting of disclosures, the Corporate Privacy Office or the Patient Experience representative of a BHSF facility shall stamp each form with the date received and forward the request to the records custodian for the designated records set of the BHSF facility from which an accounting of disclosures of protected health information is being requested.

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- e. If the form is received by the Patient Experience representative of a BHSF facility, the department must promptly forward a completed request form to the Corporate Privacy Office.
3. Provision of an Accounting
 - a. The Corporate Privacy Office must grant all requests for an accounting of disclosures of protected health information.
 - b. Temporary Suspension. The records custodian must remove any forms related to disclosures to a health oversight agency (e.g., AHCA, Board of Medicine) for health oversight activities (e.g., investigations or proceedings) or a law enforcement officer for law enforcement purposes, if:
 - i. Written Statement. Such agent or officer provided the records custodian with a written statement that such an accounting to the patient would be reasonably likely to impede the agency's activities and specifies the time for which a suspension is required, and the requested accounting is during this specified time period; or
 - ii. Oral Statement. Such agent or officer made the statement orally to the records custodian that such an accounting to the patient would be reasonably likely to impede the agent's or officer's activities and the requested accounting is within 30 days of the oral statement.
 - iii. The records custodian must notify the patient that their accounting is available, using the standard letter.
4. Content of the accounting. Baptist Health must provide the individual with a written accounting that contains the following:
 - a. The date of the disclosure;
 - b. The name of the entity or person who received the protected health information and, if known, the address of such entity or person;
 - c. A brief description of the protected health information 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, a copy of a written request for a disclosure.
5. Provision of the accounting
 - a. Within 60 days from the date Baptist Health received a patient's request for an accounting of disclosures, Baptist Health must provide a patient with the requested accounting no later than 60 days after receipt of such a request.
 - b. If Baptist Health is unable to respond to the patient's request within 60 days, Baptist Health may receive an additional 30 days to respond if Baptist Health sends the patient the standard written letter.
6. Fees for Accounting:
 - a. No fee may be charged for the first accounting to a patient in any 12-month period; and
 - b. A reasonable cost-based fee may be charged for each subsequent request for an accounting by the same patient within the 12-month period, provided that the patient is informed in advance of the fee and provided with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.
7. Documentation
 - a. The Corporate Privacy Office must document and retain the following documentation:
 - i. The information required to be included in an accounting for disclosures of protected health information that are subject to an accounting;
 - ii. The written accounting that is provided to the individual; and
 - iii. The titles of the persons or offices responsible for receiving and processing requests for an accounting by individuals.

SUPPORTING/REFERENCE DOCUMENTATION:

- Health Insurance Portability and Accountability Act of 1996 as amended from time to time and including any regulations promulgated thereunder (collectively, "HIPAA")
- Applicable Florida State Laws

RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:

- Corporate HIPAA Privacy Policies
- Attachment – 10000-74220-0027 Notice of Privacy Practices
- Attachment – 10000-74220-0027s Notice of Privacy Practices - Spanish
- Attachment – 10000-74220-6025 Request for an Accounting of Disclosures

ENFORCEMENT & SANCTIONS:

1. Reference: Corporate HIPAA Privacy Policy 10000-74220-605.20 - Sanctions for Privacy Violations
2. Violations of this policy will be determined by the Chief Privacy Officer in consultation with the appropriate levels of department leadership and appropriate Human Resources management level. Reference: HR policies 5250 Employee Conduct and 5300 Corrective Action.
3. Violations of this policy may lead to disciplinary action up to and including termination.
4. Enforcement of this policy will be performed by Baptist Health South Florida's Privacy Office in conjunction with Human Resources, as circumstances may dictate.