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|  <p>GEORGIA DEPARTMENT OF COMMUNITY HEALTH</p> | <p>Policy Number: 905</p> <p>Effective Date:</p> <p>Revision Date:</p> |
| <p>Privacy Policy</p> | <p>Disclosure Tracking</p> |
| <p>Originating Work Unit: Privacy Office</p> | <p>Category: Legal Compliance</p> |

SCOPE:

This policy applies to all DCH employees, agents and contractors that perform duties in conjunction with the access, distribution, dissemination, modification, and management of protected health information (PHI).

POLICY:

It is DCH's policy to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule by establishing a means for tracking and accounting for disclosures of PHI for purposes other than treatment, payment and health care operations and except for certain other disclosures, as set out below.

DCH will track all disclosures of protected health information that occur within a rolling six year window except for disclosures:

- For treatment, payment, or health care operations, as provided in §164.506;
- To the individual;
- That are incidental to a use or disclosure otherwise permitted or required, as provided for in §164.502;
- Pursuant to an authorization as provided for in §164.508;
- To people involved in an individual's care, or other notification purposes as provided for in §164.510;
- For national security or intelligence purposes as provided for in §164.512(k)(2);
- To law enforcement officials or correctional institutions as provided for in section §164.521(k);
- Of limited data sets, as provided for in §164.514(e); or
- That occurred prior to April 14, 2003.

REPORTING VIOLATIONS:

Violation of this or any other DCH Privacy Policy is to be reported to the DCH Privacy Officer.

LEGAL AUTHORITY:

45 CFR §164.502 Uses and disclosures of Protected Health Information: general rules

45 CFR §164.508 Uses and disclosures for which an authorization is required

45 CFR §164.512 Uses and disclosures for which an authorization or opportunity to agree or object is not required

45 CFR §164.514(e) Standard: Limited data set

45 CFR §164.528 Accounting of disclosures of protected health information

45 CFR §164.530(j) Standard: Documentation

• **Preamble to the HIPAA Privacy Rule**, pg. 82513, 82517 – 82522, 82650, 82662 – 82663 –Uses and Disclosures for Which an Authorization Is Required

• **Preamble to the HIPAA Privacy Rule**, pg. 82524 and 82666 – Uses and Disclosures for Which Consent, an Authorization, or Opportunity To Agree or Object Is Not Required

• **Preamble to the HIPAA Privacy Rule**, pg. 82559 – 82561 and 82739 - 82744 – Accounting of Disclosures of Protected Health Information

SANCTIONS:

See DCH Sanctions Policy and Procedure.

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|  <p>GEORGIA DEPARTMENT OF COMMUNITY HEALTH</p> | <p>Procedure Number: 905</p> <p>Effective Date:</p> <p>Revision Date:</p> |
| <p>Privacy Procedures</p> | <p>Disclosure Tracking</p> |
| <p>Originating Work Unit: Privacy Office</p> | <p>Category: Legal Compliance</p> |

PURPOSE:

DCH is required to keep a history of when and to whom disclosures of PHI are made for purposes other than treatment, payment and health care operations. DCH must be able to give an accounting of those disclosures to an individual, if requested. This accounting of disclosures includes any disclosures that are made to or by any business associates of the covered entity.

PROCEDURE:

Individuals have the right to request an accounting of tracked disclosures (as defined above) made by DCH. This accounting must include all disclosures within the six years prior to the date of the request, or a shorter period if requested by the individual.

Disclosures made to health oversight agencies or law enforcement officials, as provided for in §164.512 (d) or (f) respectively, may be temporarily excluded from an accounting if DCH has been notified by such an agency or official that providing an accounting would impede the agency's or official's activities. Such notification should be given to DCH by the agency or official in writing and should specify the duration of the suspension. If the notification is made orally, then DCH must document the identity of the person who notified it, suspend the accounting of any subject disclosures, and limit the suspension to no more than 30 days from the date of the oral notification. If a written notification is subsequently submitted within that 30 day period, then the suspension may be extended as specified in the written notification. Once the time period requested for the suspension expires, DCH must include the disclosure in its accounting of disclosures.

Time to Respond to Requests

DCH must provide an accounting of disclosures within 60 days of the request. If DCH cannot provide an accounting of disclosures within the 60-day period, it must provide a written statement to the requestor within the 60-day period specifying the reason for the delay and the expected completion date. The expected completion date may not be more than 30 days beyond the original 60-day period. Only one such extension is permitted per request.

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Content of the Accounting of Disclosures

The accounting must include the following information for each disclosure that was required to be tracked and that occurred within the accounting period (6 years prior to date of request or less, as specified by the requestor) including disclosures to or by business associates of DCH , as provided in §164.528(b):

- Date of disclosure;
- Name of the entity or individual who received the information and their address if known;
- Description of information disclosed;
- Brief statement of the purpose of reason for disclosure, or in lieu of such a statement; a copy of a written request for a disclosure under §164.502(a)(2)(ii) or 164.512. Multiple recurring disclosures to the same entity or individual or an authorization with multiple disclosures may have a summary entry. The summary entry requires all information as described above for the first disclosure, plus an indication of periodic interval, frequency, or total number of disclosures during the accounting period, and the date of last disclosure.

If during the accounting period DCH made disclosures as part of a research study, for fifty (50) or more individuals, the accounting provided to the individual may contain the following as an alternate to the requirements above:

- The name of the research protocol or activity;
 - A description, in plain language, of the research protocol or activity, including the purpose of the research and criteria that were used to select records for inclusion;
 - A description of the protected health information that was disclosed;
 - The date or period over which such disclosures occurred or may have occurred, including the date of the last such disclosure during the accounting period;
 - The name, address, and telephone number of the entity that sponsored the research and the researcher to whom the information was disclosed; and
 - A statement that the protected health information of the individual may or may not have been disclosed for a particular protocol or research activity.
- If DCH does provide such a summary for disclosures that were part of a research protocol or activity, then DCH must, at the request of the individual, assist the individual in contacting the entity that sponsored the research, as well as the party conducting the research.

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Fees for Providing Accountings of Disclosures

DCH must provide one accounting within a rolling 12 month period, when requested, free of charge. A fee may be charged for any additional accounting requests within a rolling 12-month period. Such fees must be reasonable and based on the covered entity's cost incurred in preparing the accounting. If a fee will be charged, individuals must be informed of the amount of the fee in advance so they may amend their request to avoid or reduce the amount of the fee.

Documentation

DCH is required to document and retain per section §165.630(j) the following:

- Information defined in Content of the Accounting of Disclosures section above;
- The written accounting provided to an individual requestor;
- Titles of the person or offices responsible for receiving and processing accounting requests.
- Written documentation of an oral notification by a health oversight agency or law enforcement official to temporarily suspend an individual's right to an accounting of disclosures (pursuant to §164.528(a)(2)(ii)(A)).
- Any policies and procedures required to implement this standard.

SANCTIONS:

See DCH Sanctions Policy and Procedure.