

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

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.
