



20 Accounting for PHI Disclosures

20.1 Policy

Under HITECH, as outlined in Appendix A, if a covered entity utilizes an Electronic Health Record (EHR) the covered entity and business associate will be required to account for disclosures for treatment, payment, and health operations. There are two methods to account for disclosures by business associates: 1) The covered entity may account only for its own disclosures and include a list of all business associates and their contact information to the individual; and 2) The covered entity may include disclosures made by the business associate in the covered entities own accounting (For Covered Entities that have an EHR, the effective date is January 1, 2014.)

The HP Enterprise Services Georgia Title XIX account provides the HIPAA Covered Entity (CE) DCH documentation of disclosures of PHI and information related to such disclosures for treatment, payment, and healthcare operations under HITECH. This documentation is required for DCH to respond to a request by an individual for an accounting of disclosures of PHI that occurred within three years prior to the date of the request (45 CFR 164.528), and to provide this information to DCH or an individual to permit such a response.

Refer all requests for PHI disclosures from DCH received by GAXIX employees, other HP Enterprise Services staff occupying space co-located with the Medicaid account, and GAXIX contractors to the HP Enterprise Services privacy and security officer.

Accounting of disclosures is a billable activity per Amendment 63:

"The Contractor agrees to provide access to Protected Health Information ("PHI") to the extent that the Contractor maintains the data in a Designated Record Set. Access to PHI will only be granted at the request of the State as the Covered Entity under HIPAA. Information will be provided to the State as the Covered Entity or to an Individual as directed by the State in order to meet the requirements of 45 CRF 164.524. The State shall reimburse the Contractor for technical support for generation of PHI data reports associated with the provision of PHI at the contractually agreed upon Systems Engineer and Business Analyst rates."

20.2 Procedure

20.2.1 Referral

The staff member:

1. Refers the request for PHI disclosures to the HP Enterprise Services privacy and security officer.

20.2.2 Accounting

The HP Enterprise Services privacy and security officer:

1. Documents the disclosure request. Refer to Attachment 3, Accounting Disclosure Log.



2. Researches the PHI disclosure log. Refer to Attachment 4, PHI Disclosure Log.
3. Drafts a disclosure response.
4. Sends the disclosure response to DCH in a timely manner within the requested timeframe.