ACCOUNTING OF DISCLOSURES

SCOPE OF POLICY

This policy applies to all agency staff. Management has more responsibility with this policy.

STATEMENT OF POLICY

The Arc sometimes uses and shares PHI with others. Sometimes we have to write down when we share it with others. This is called an accounting. It says what information we shared with who and why. We don’t always have to do it, just sometimes.

Example: we don’t have to write it down if we share PHI with our funders so we can get paid. We don’t have to write it down every time staff looks at PHI to provide supports. We don’t have to write it down when we do an internal audit. These are called treatment, payment and operations. Please see the policy on that for more information. When government auditors come and we share PHI with them, we do need to write that down. This includes the Bureau of Program Certification or BPC. These are from OPWDD. They do audits at programs to make sure we are following the rules. They recertify us to provide services. Whatever PHI they look at needs to be written on the accounting of disclosure form. The manager is responsible for making sure this is done. If we make several disclosures based on 1 authorization form, please contact the VP for Quality and Compliance for guidance. He can help you figure out what you need to document.

The reason we need to write this down is because the people we support have a right to see who we’ve shared their PHI with. They can get a copy of the accounting form if they want it. Their legal representatives can ask for it too. Under HIPAA law, we have to be able to give that to them.

PROCEDURE

If people we support want a copy of the accounting of disclosure form, they need to ask in writing. This can be in a letter or an email. Non-management staff should tell a manager if someone asks them for an accounting. We have to give them the accounting form as soon as possible, but within 60 days. If for some reason we can’t, we can only extend by another 30 days. No matter what, it can’t take us more than 90 days to get this information to them. If we do extend by 30 days, we have to let the person we support know why. We will not charge people to receive the accounting.

HIPAA went into effect on April 14, 2003. We don’t have to provide an accounting for anything we shared before that date.

If managers identify gaps on the form, these should be filled in as soon as possible. Managers need to make sure that what they enter on the form is true.

In some cases, law enforcement or the government might ask us to not share the accounting with someone. This would be because it would interfere with their investigation. They need to put that request in writing and explain why. They also need to write down for how long. During that period, we
will not share the accounting with people. If they don’t think they have time to put it in writing, they can ask us verbally. We can do what they ask but only for 30 days.

We have to keep copies of any requests for accounting for at least 6 years from the date they were created.

Effective date: 4/1/03
Revised:
9/17/08
10/24/11
12/28/18