

PURPOSE

To protect the privacy rights of individuals receiving benefits from one or more of the Michigan Department of Health and Human Services' (MDHHS) health programs, by providing an accounting of disclosures of protected health information (PHI) made from the designated record set upon request.

PROCEDURE**ACCOUNTING FOR DISCLOSURES OF PHI**

A recipient of a HIPAA covered MDHHS health program can request and receive an accounting of all PHI disclosures made from the recipient's designated record set

Requests for an accounting of disclosures will be forwarded to the privacy office for response.

The contents of the record of disclosures must include:

- Date of the disclosure.
- Name of the person/organization receiving the PHI (and address if known).
- Description of information released.
- Statement as to the purpose of the disclosure or copy of written request for the disclosure.
- Grouping disclosures together is permitted when they are to the same person/organization. The disclosures can be summarized with the date of the 1st disclosure, date of last disclosure, and the total number of disclosures made.

Contents of Record of Disclosures When Disclosures are for Research Activities:

- Name of research activity.
- Description of research (and its purpose) in plain language.
- Description of information being disclosed.
- Date(s) of disclosure.
- Name, address, phone number, of sponsor of research.
- At the request of the individual, MDHHS must assist the individual in contacting the researcher.

**Documenting
Disclosures**

MDHHS must document and retain:

- Must include all the information in records of disclosures.
- Written accountings provided to the individual.
- Person or office responsible for receiving and processing requests for accounts of disclosure.
- Documentation of requests (oral and written) by a health oversight agency or law enforcement agency to suspend an individual's right to receive an accounting of disclosures. (Note: an oral request is allowed a 30-day suspension and a written request is allowed whatever is requested).
- Copies of policies and procedures for accounting for disclosures.

**Fees for
Disclosures**

- MDHHS must give one free accounting of disclosures every (rolling) 12 months, when requested by the individual.
- Must notify individual in advance of fees.
- Document the individual's acknowledgement of notice.
- Fees must be reasonable - Follow FOIA guidelines.
- Follow FOIA procedures on how and when to collect fees.

SOP

Standard of Promptness (SOP) is 60 days or a written statement to requestor as to why we will not make 60 days must be sent. Allowed one extension of 30 days.

**When other applicable privacy or confidentiality laws conflict with HIPAA, comply with the law that provides the individual with greater privacy protection or rights. (Examples of state and federal laws are, Medicaid, Substance Abuse, Public Health Code, HIV/AIDS/STDs, Mental Health Code). When in doubt, contact the Bureau of Legal Affairs.*

REFERENCES

45 CFR §164.528, §164.502, §164.508, §164.512, §164.514(e),
§164.530(i)

CONTACT

For additional information concerning this procedure, contact the
MDHHS Bureau of Legal Affairs.