**DeVry University – HIT170**

**Knowledge Activity: ROI and Accounting of Disclosures**

**Reference Guide**

**Introduction**

**Release of protected health information (PHI)**

Release of information (ROI) refers to the divulgence of an individual’s health information by an entity, such as a hospital or doctor’s office, to a person or organization outside of that entity. Release of information is covered by the Health Insurance Portability and Accountability Act (HIPAA). (“HIPAA for Professionals”, n.d.).

The HIPAA Security Rule outlines the safeguards organizations must put in place to secure consumers’ protected health information (PHI). The Rule aims to be flexible to allow organizations to adapt to new technologies regardless of their size and structure while still protecting the privacy of consumers’ health information. (“Summary of the HIPAA Security Rule”, n.d.).

When the Rule refers to “covered entities”, it’s referring to health plans, health care providers who conduct transactions electronically and health care clearinghouses. (“HIPAA for Professionals”, n.d.).

Covered entities must create safeguards to protect patient PHI and ensure they do not improperly disclose. They must also place reasonable limits on the use and disclosure of PHI so that only the minimum necessary information to accomplish their purpose is disclosed. In addition, covered entities must create policies and procedures that limit who can access patient PHI, as well as provide training to their employees on safeguarding PHI. (“Summary of the HIPAA Security Rule”, n.d.).

**Authorized Uses and Disclosures of PHI**

**Authorization:** A covered entity may require the patient’s written authorization to release the patient’s PHI. The authorization must be in plain language and include specific information about the information to be disclosed, the person(s) or entity receiving and disclosing the information, and an expiration date. (“Individuals’ Right under HIPAA”, n.d.).

**Verification:** A covered entity must take reasonable steps to verify the identity of an individual requesting access to PHI under the Privacy Rule. The Rule does not require any specific form of verification (e.g. a copy of a driver’s license or state identification card). Rather, the Rule leaves the type and manner of verification to the covered entity’s discretion and judgment. However, the verification must not “create barriers to or unreasonably delay the individual from obtaining access to his or her PHI”. (“Individuals’ Right under HIPAA”, n.d.).

**The right to an accounting of disclosures**

The HIPAA Privacy Rule provides that an individual has a right to receive an accounting of disclosures of that individual’s protected health information made by a covered entity, or its business associate, in the six years prior to the date on which the accounting is requested, with some exceptions, as outlined below. (“Right to an Accounting of Disclosures”, n.d.).

**What PHI disclosures must be included in the accounting?**

All PHI disclosures must be included in the accounting, with these exceptions:

• Disclosures made prior to April 14, 2003 or prior to the entity’s date of compliance with the privacy standards.

• Disclosures to law enforcement or correctional institutions as provided in state law.

• Disclosures for facility directories.

• Disclosures to the individual patient.

• Disclosures for national security or intelligence purposes.

• Disclosures to people involved in the patient’s care.

• Disclosures for notification purposes including identifying and locating a family member.

• Disclosures for treatment, payment, and healthcare operations.

• Disclosures pursuant to the individual’s authorization

(World Privacy Forum, n.d.).

**What must an accounting of disclosures include?**

 An accounting of disclosure must contain the following information:

• Date of disclosure

• Name of person or entity who received the PHI and the person or entity’s address, if known

• Brief description of the PHI that was disclosed

• One of the following:

o Brief statement of the purpose of the disclosure or

o A copy of a written request for disclosure by US DHHS or a person or entity authored to receive PHI for national priority uses

(“Right to an Accounting of Disclosures”, n.d.).

**Costs associated with accounting of disclosures**

The covered entity must provide the first accounting to an individual in any 12-month period free of charge. Any subsequent request by the same individual within the 12-month period, the covered entity may assess a “reasonable, cost-based fee”, as long as the individual was informed of the fee ahead of time and the covered entity provides the individual with an opportunity to change their request to avoid or reduce any charges. (World Privacy Forum, n.d.).