



# PSYCHIATRIC HEALTH FACILITY POLICY AND PROCEDURES

COUNTY OF SANTA BARBARA  
ALCOHOL, DRUG AND MENTAL HEALTH SERVICES

## Section - MEDICAL RECORDS

Effective: 4/6/2011

Policy- ACCOUNTING OF DISCLOSURES #P4

Revised: 4/6/2011

PHF CEO's Approval

Date: 4/6/2011

Executive Medical Staff Chair's Approval

Date: 4/6/2011

Committee Chair's Approval

CPAP I Committee

Date: 4/6/2011

Form Ref.

### POLICY:

It is the policy of the Santa Barbara County Mental Health Plan (SBC MHP) to comply with all state and federal laws, regulations, and contractual requirements, as well as relevant professional standards and practices, related to medical records.

Under HIPAA [45 C.F.R. § 164.528], consumers have a right to an accounting of certain disclosures of their Protected Health Information (PHI) by the MHP Psychiatric Health Facility (PHF), when those disclosures were made without authorization by the consumer or legal guardian.

The maximum disclosure accounting period is the six years immediately preceding the accounting request, except that PHF is not obligated to account for any disclosure made before April 1, 2003.

### DEFINITION:

For purposes of this P&P, the following definitions are used:

- "**PHF Consumer**" means any individual who has been a consumer of PHF services after April 1, 2003, or the legal guardian or personal representative of such an individual.

### PROCEDURE:

Any PHF Consumer may make a written request for an accounting of disclosures of PHI by PHF staff.

1. Whenever such a written request is received by PHF staff, the date of receipt will be noted on the request, which will be forwarded to the Medical Records Administrator or designee within 5 business days.
  - a. The Administrator or designee will record the date of receipt of the request.
  - b. If a PHF Consumer makes a verbal request, or requests assistance in making a written request, the individual will be referred to the Client Rights Advocates.

- c. The Medical Records Administrator or designee will determine whether or not the request contains, at a minimum, adequate identifying information regarding the consumer (name, address, date of birth, and Social Security Number), and is signed and dated by the consumer, legal guardian, or personal representative.
  - i. If the written request does not meet the requirements above, the Administrator or designee will return the request to the individual who submitted the request, with an explanation of the additional information which is required.
- d. The Administrator or designee, in consultation with PHF staff when appropriate, determines whether or not an accounting of disclosures is required. An accounting is **not** required when a disclosure was made for any of the following reasons, as described in HIPAA regulations, specifically including 45 C.F.R. §164.528:
  - i. For treatment, payment, or health care operations;
  - ii. To the individual or the individual's personal representative;
  - iii. For notification of or to persons involved in an individual's health care or payment for health care, for disaster relief, or for facility directories;
  - iv. Pursuant to an authorization;
  - v. Of a limited data set;
  - vi. For national security or intelligence purposes;
  - vii. To correctional institutions or law enforcement officials for certain purposes regarding inmates or individuals in lawful custody; or
  - viii. Incident to otherwise permitted or required uses or disclosures.
- e. When disclosures not exempted from accounting have been made to health oversight agencies and law enforcement officials, the Medical Records Administrator or designee will notify any such agency of the request for accounting.
  - i. If such an agency makes a written representation that an accounting would likely impede their activities, disclosures must be temporarily suspended per 45 C.F.R. §164.528 *et seq.*

- B. Within 30 calendar days of receipt of a written request, the Medical Records Administrator or designee will provide the individual making the request with a notification.
  - 1. If no accounting is required, the notification will so state.
  - 2. If an accounting is required, the accounting will be included with the notification.
  - 3. If additional time is required to determine whether or not an accounting is required, or to prepare an accounting, the notification will provide the reason for delay, and a final notification will be required no later than 30 days later.
- C. A copy of the request and any subsequent correspondence or other documents will be maintained by the Medical Records Administrator or designee, but will not be part of the consumer's medical record.

**ASSISTANCE:** Medical Records Administrator