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North Sound Behavioral Health Administrative Services Organization, LLC

Section 2500 – Privacy: Right to an Accounting of Disclosures

Authorizing Source: 45 CFR 164.528 (HIPAA); 42 CFR Part 2 (Part 2); RCW 70.02

Approved by: Executive Director Date: 3/11/2025 Signature:

POLICY # 2516.00

SUBJECT: RIGHT TO AN ACCOUNTING OF DISCLOSURES

PURPOSE

In compliance with HIPAA, Part 2, State Law and any applicable Business Associate Agreements (BAAs) and Qualified Service Organization Agreement (QSOAs) with Upstream Covered Entities, this policy sets out the process to provide and protect an Individual's right to receive an accounting of certain Disclosures made of Protected Health Information (PHI), subject to certain exceptions. North Sound Behavioral Health Administrative Services Organization (North Sound BH-ASO) has both direct obligations as Required by Law, as a former Covered Entity, and contractual obligations, as a Business Associate of an Upstream Covered Entity, to provide or facilitate accountings of Disclosures.

Capitalized terms in this policy have specific meanings. Definitions under this policy include Authorized Representative, Business Associate, Business Associate Agreement (BAA), Disclosure, Health Care Operations, Individual, Law Enforcement Officials, Limited Data Set, Part 2 Information, Payment, PHI, Research, Treatment, Upstream Covered Entity and Workforce. See Policy 2502.00: Definitions for Policies Governing Protected Health Information (PHI).

POLICY

North Sound BH-ASO will consider all requests from Individuals, Authorized Representatives on behalf of those Individuals or Upstream Covered Entities (each, a Requestor) to receive and will provide, as appropriate, accountings of certain Disclosures of PHI, subject to certain exceptions. North Sound BH-ASO will comply with applicable BAAs with Upstream Covered Entities with respect to accountings of Disclosures.

PROCEDURES

1. Accounting Obligations.

- 1.1 **As a Business Associate.** To the extent North Sound BH-ASO is acting as a Business Associate of an Upstream Covered Entity, North Sound BH-ASO will provide an accounting of Disclosure in accordance with the applicable BAA. For example, a BAA may require North Sound BH-ASO to provide the accounting to the Upstream Covered Entity (so the Upstream Covered Entity can provide the accounting to the Individual) or to provide the accounting directly to the Individual or Authorized Representative.
- 1.2 **As a Former Covered Entity.** With respect to Pre-Transition PHI, North Sound BH-ASO will provide accountings of Disclosures as required of a Covered Entity under HIPAA and other laws.

2. **Tracking Disclosures.** North Sound BH-ASO will track Disclosures of PHI that are required to be in an accounting. These Disclosures include, but are not limited to:
 - 2.1 Information released under a subpoena or order issued by an administrative law or court judge;
 - 2.2 Records sent to Law Enforcement Officials for alleged abuse or neglect;
 - 2.3 Records disclosed for Research purposes;
 - 2.4 Reporting of diseases, injuries, disabilities and vital events to Public Health authorities or others permitted to receive this information; and
 - 2.5 Disclosures by a Subcontractor Business Associate that are required to be included in an accounting.
3. **Requests.** All requests for an accounting of Disclosures must be in writing. The Requestor must submit the request for an accounting in writing to the Privacy Officer. North Sound BH-ASO will accept any written requests that provide sufficient information to address the request. Workforce will provide any Requestor assistance in completing the request, as needed. Workforce will direct any Requestor requesting an accounting of Disclosure to the Privacy Officer.
4. **Receiving Requests.** Requests for accountings of Disclosure will be promptly forwarded to the Privacy Officer. The Privacy Officer is responsible for making determinations concerning accounting of Disclosure requests and for managing communications.
5. **Processing Requests.**
 - 5.1 **Verification of Identity and Authority of Requestor.** The Privacy Officer will verify the identity of the Requestor as either the Individual, the Individual's Authorized Representative or an Upstream Covered Entity. See Policy 2524.00: Verification of Identity and Authority.
 - 5.2 **Response.** The Privacy Officer will review each request for an accounting of Disclosures and take one of the following actions:
 - 5.2.1 Grant the request for an accounting; or
 - 5.2.2 Deny the request for an accounting.
6. **Provision of Accounting.** When a request is granted, North Sound BH-ASO will provide an accounting of all Disclosures except those Disclosures identified below:
 - 6.1 **Excluded Disclosures.** North Sound BH-ASO will provide an accounting of Disclosures of PHI, except for Disclosures of PHI in the following categories:
 - 6.1.1 To Individuals of PHI about them as a part of their right to access of PHI;
 - 6.1.2 To carry out Treatment, Payment or Health Care Operations;
 - 6.1.3 To Persons involved in the Individual's care (such as immediate family members or close friends), as set forth in Policy 2511.00: Opportunity to Agree or Object;
 - 6.1.4 Pursuant to an authorization (see Policy 2521: Authorization for Use and Disclosure of Protected Health Information (PHI));

- 6.1.5 For national security or intelligence purposes;
- 6.1.6 To Correctional Institutions or Law Enforcement Officials when the Individual is an inmate;
- 6.1.7 Incident to a Use or Disclosure otherwise permitted or required (e.g., an incidental Disclosure);
- 6.1.8 As a part of a Limited Data Set (see Policy 2503: De-Identified Data and Limited Data Sets); and
- 6.1.9 Made more than six (6) years from the date on which the accounting was requested.

- 6.2 **Temporary Exclusions.** In situations when North Sound BH-ASO has made Disclosures to a health oversight or law enforcement agency as permitted and the agency has provided North Sound BH-ASO with a written statement that inclusion of the Disclosures in an accounting would be reasonably likely to impede the agency's activities and the agency has provided a specific time-period, North Sound BH-ASO will exclude those Disclosures from any accounting requested by the Requestor. At the end of that time-period, North Sound BH-ASO will include any Disclosures made to the agency during that period in any future accountings.

Should the health oversight or law enforcement agency provide North Sound BH-ASO with a verbal statement that a Disclosure would be reasonably likely to impede the agency's activities, North Sound BH-ASO will document the request, including the name of the Requestor and will withhold Disclosures for a thirty (30)-day period, unless a written statement requesting a longer time-period has been provided by the health oversight or law enforcement agency during the thirty (30)-day period. At the end of that time-period, North Sound BH-ASO will include the Disclosures in requested accountings.

7. **Content of Accounting of Disclosures.**

- 7.1 **Required Content.** Subject to Sections 7.2 and 7.3 of this policy, North Sound BH-ASO will include the following content in an accounting of Disclosures:
- 7.1.1 The date of the Disclosure;
 - 7.1.2 The name and address of the Person receiving the PHI;
 - 7.1.3 A brief description of the PHI disclosed; and
 - 7.1.4 A brief statement that reasonably informs the Individual of the purpose for the Disclosure or in lieu of a statement a copy of a written request for a Disclosure.
- 7.2 **Multiple Disclosures.** With respect to multiple Disclosures of PHI to the same Person for the same purpose, North Sound BH-ASO will present all the information listed above for the first Disclosure in the accounting period and include the frequency, periodicity or number of Disclosures made during the accounting period and the date of the most recent Disclosure.
- 7.3 **Research.** If North Sound BH-ASO provides an accounting for Research Disclosures and if it is reasonably likely that the PHI of the Individual was Disclosed for the Research protocol or activity, then North Sound BH-ASO, at the request of the Individual, shall assist in contacting the entity that sponsored the Research and the researcher. See Policy 2513.00: Research. If, during the period covered by the accounting, North Sound BH-ASO has made Disclosures of PHI

for a particular Research purpose, without an authorization, in accordance with HIPAA for fifty (50) or more people, then the accounting with respect to these Disclosures may provide the content described below.

- 7.3.1 The name of the protocol or other Research activity;
- 7.3.2 A description, in plain language, of the Research protocol or other Research activity, including the purpose of the Research and the criteria for selecting particular records;
- 7.3.3 A brief description of the type of PHI that was Disclosed;
- 7.3.4 The date or period of time during which the Disclosures occurred or may have occurred, including the date of the last Disclosure during the accounting period;
- 7.3.5 The name, address and telephone number of the entity that sponsored the Research and the researcher to whom the information was Disclosed; and
- 7.3.6 A statement the PHI about the Individual may or may not have been Disclosed for a particular protocol or other Research activity.

8. **Special Accounting of Disclosures for Part 2 Information.** Upon request, Individuals who have authorized the Disclosure of Part 2 Information using a general designation for the participants of a recipient must be provided a list of entities to which Part 2 information about them has been Disclosed under the general designation. This list is limited to Disclosures in the previous two (2) years. The recipient entity must respond to the request in writing within thirty (30) days and provide, for each Disclosure, the name of the entities to which the Disclosure was made, the date of this Disclosure and a brief description of the Part 2 Information disclosed. North Sound BH-ASO generally will not be responsible for this accounting.

9. **Timing.**

- 9.1 **General PHI.** North Sound BH-ASO will respond to requests for an accounting of Disclosures of PHI that is not Part 2 Information within sixty (60) days from the date of the request.
- 9.2 **Delay.** Should North Sound BH-ASO, in rare circumstances, be unable to respond within sixty (60) days, North Sound BH-ASO will notify the Individual in writing during the initial sixty (60)-day period and provide the Requestor with the reasons that North Sound BH-ASO needs additional time and give the Requestor the date (which shall be no more than thirty (30) days beyond the original sixty (60) days) by which North Sound BH-ASO expect to complete action on the request.
- 9.3 **Part 2 Information.** For all requests for an accounting of Disclosures of Part 2 Information, North Sound BH-ASO shall respond within thirty (30) days.

10. **Fees.** North Sound BH-ASO will provide, at no charge, the first accounting in each twelve (12)-month period, beginning with the Requestor's first request for an accounting. Any additional request for an accounting from the same Individual or Authorized Representative during the same twelve (12)-month period will be made subject to the agreement of the Individual or Authorized Representative to pay a reasonable, cost-based fee for the additional accounting. North Sound BH-ASO will inform the Requestor of the fee and obtain the written agreement to pay the fee prior to preparing the

accounting. North Sound BH-ASO will offer the Requestor an opportunity to withdraw or modify the request to avoid or reduce the fee.

11. **Retention of Documentation.** Documentation relating to accounting of Disclosures shall be retained at least six (6) years from the date of its creation or the date when it was last in effect, whichever is later. Retention requirements include:

- 11.1 **Policies and procedures for accounting of Disclosures.**

- 11.2 **Requests for accountings of Disclosures.**

- 11.3 **Responses to requests.**

110. **Related Policies.** Other policies and procedures to review that are related to this policy:

- 110.1 **Policy 2501.00: Privacy and Confidentiality of Protected Health Information (PHI)..**

- 110.2 **Policy 2502.00: Definitions for Policies Governing Protected Health Information (PHI).**

- 110.3 **Policy 2503.00: De-Identification and Limited Data Sets.**

- 110.4 **Policy 2511.00: Opportunity to Agree or Object.**

- 110.5 **Policy 2513.00: Research.**

- 110.6 **Policy 2521.00: Authorization.**

- 110.7 **Policy 2522.00: Uses and Disclosures of Protected Health Information (PHI).**

- 110.8 **Policy 2524.00: Verification of Identity and Authority.**

ATTACHMENTS

None