



**City of Winchester  
Fire & Rescue Department  
STANDARD OPERATING PROCEDURE**



<b>Section:</b>	HIPAA	<b>SOP:</b>	14.3
<b>Subject:</b>	Patient Requests for Accounting Disclosures of Protected Health Information	<b>Executed:</b>	May 28, 2015
		<b>Revised:</b>	
<b>Approved:</b>			
 Allen W. Baldwin, Fire Chief			

**Purpose**

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) grants individuals the right to an accounting of disclosures of their protected health information (“PHI”) from paper and electronic records. Winchester Fire & Rescue has an obligation to render an accounting to individuals in accordance with federal and state law. To ensure that Winchester Fire & Rescue complies with its obligations, this policy outlines our procedures for handling requests for an accounting and establishes the procedures by which patients or their authorized representatives may request an accounting of disclosures of PHI from Winchester Fire & Rescue.

**Scope**

This policy applies to all Winchester Fire & Rescue staff members who receive requests from patients for an accounting of disclosures of PHI. All requests will be directed to the HIPAA Compliance Officer/EMS Billing Manager and it shall be the responsibility of the HIPAA Compliance Officer/EMS Billing Manager to handle all accounting requests.

**Procedure**

***Requests for an Accounting***

1. Patients and their authorized representatives shall have a right to request an accounting of certain disclosures of PHI made by Winchester Fire & Rescue .
2. If a patient or their authorized representative requests an accounting of disclosures of PHI, the requestor shall be referred to the HIPAA Compliance Officer. The HIPAA Compliance Officer/EMS Billing Manager shall request that

the patient or authorized representative complete Winchester Fire & Rescue 's "Patient Request for Accounting of Disclosures Protected Health Information" Form. (Attachment A)

3. The HIPAA Compliance Officer must verify the patient's identity, or, if the requestor is not the patient, the name and identity of the representative and whether the representative has the authority to act on the patient's behalf. The use of a driver's license, social security card, or other form of government-issued identification is acceptable for this purpose. If it is impossible for the requestor to physically come in to make the request and verify this information, the HIPAA Compliance Officer/EMS Billing Manager shall ask the requestor to verify the patient's name, date of birth, SSN, address, and telephone number over the phone and ask the requestor to submit the "Patient Request for Accounting of Disclosures of Protected Health Information" Form via email, mail or fax.
4. Upon receipt of the completed "Patient Request for Accounting of Disclosures of Protected Health Information" Form and verification of the requestor's identity, the HIPAA Compliance Officer/EMS Billing Manager will respond to a request for an accounting of disclosures within 30 calendar days of receipt of a request.

### ***Fulfilling an Accounting Request***

1. Winchester Fire & Rescue will provide the patient or their authorized representative with a written or electronic accounting of disclosures of their PHI made by Winchester Fire & Rescue or its business associates on Winchester Fire & Rescue's behalf, as required by HIPAA. Winchester Fire & Rescue will render an accounting of all disclosures of PHI during the period requested by the patient or other requestor. If the requestor does not specify a time period for the accounting, Winchester Fire & Rescue will render an accounting of disclosures of PHI made during the past six (6) years. The following disclosures are **excluded** from the HIPAA accounting requirement:
  - a. Disclosures to carry out treatment, payment or health care operations;
  - b. Disclosures made to the patient or to the patient's authorized representative;
  - c. Disclosures incident to a use or disclosure otherwise permitted or required by HIPAA;
  - d. Disclosures pursuant to the patient's authorization;
  - e. Disclosures for a facility directory or to persons involved in the patient's care;
  - f. Disclosures for national security or intelligence purposes;

- g. Disclosures to correctional institutions or law enforcement officials to provide them with information about a person in their custody; and
- h. Disclosure made as part of a limited data set.

Winchester Fire & Rescue will not render an accounting for disclosures that are exempt from the HIPAA accounting requirement.

2. All accountings shall include the following information regarding each disclosure of PHI addressed in the accounting:
  - a. The date of the disclosure;
  - b. The name of the entity or person who received the PHI and, if known, the address of such entity or person;
  - c. A brief description of the PHI disclosed; and
  - d. A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure.

### ***Tracking Disclosures of PHI***

1. In order to fulfill its obligations to render an accounting of disclosures of PHI under HIPAA, Winchester Fire & Rescue shall track all necessary disclosures of PHI. The HIPAA Compliance Officer/EMS Billing Manager is responsible to ensure Winchester Fire & Rescue is tracking disclosures when required by HIPAA to do so.
2. Winchester Fire & Rescue shall track all disclosures for or pursuant to:
  - a. Research purposes, unless authorized by the patient;
  - b. Subpoenas, court orders or discovery requests;
  - c. Abuse and neglect reporting;
  - d. Communicable disease reporting; and
  - e. Other reports to a Department of Health.

The HIPAA Compliance Officer/EMS Billing Manager may utilize the "Accounting Log for Disclosures of PHI" Form for this purpose and track all information required on the Form.

### ***Administrative Requirements***

Winchester Fire & Rescue shall retain the following documentation, in either written or electronic form, for 6 years:

1. Written requests by an individual for an accounting of disclosures;
2. Accountings of disclosures that have been provided to an individual, including the titles of the persons and offices responsible for receiving and processing the request for accounting; and
3. Copies of any notices to the individual explaining that Winchester Fire & Rescue requires an extension of time to prepare the requested accounting.