

HIPAA Research Policy No. 5: Accounting of Disclosures

1. Overview:

Although the HIPAA regulations allow certain disclosures without HIPAA authorization, such disclosures must be documented and available for an accounting if requested by a patient.

NSU has implemented a series of policies with regard to HIPAA and research. These policies apply to: (1) all NSU covered health care clinics and departments that allow access to PHI by researchers for research; and (2) all researchers.

2. Responsibility of Researchers for Accounting of Disclosures:

If a researcher reviews patient records and these reviews are conducted without a HIPAA authorization (e.g. reviews preparatory to research or with a waiver from the IRB), then the researcher must keep a list of all patient records that were reviewed, the dates on which the records were reviewed, and a description of the type of information that was reviewed (e.g., diagnosis or procedure code).

This information should be kept on a **NSU Accounting of Disclosures for Research Form** and must be provided to the clinic's Privacy Contact See, Sample Accounting of Disclosure for Research Form attached as Exhibit 7.

If multiple patient records are being reviewed for the same research protocol, the researcher may complete the entire form, with the exception of patient name and make photocopies of the form. The researcher will then need to print the name, SSN, and/or birth date of each patient record that is reviewed on the forms.

3. Responsibility of NSU Health Care Centers/Clinics for Accounting of Disclosures

As noted above, it is the policy of NSU that it will be the responsibility of the researcher to complete the **NSU Accounting of Disclosures for Research Form** (Exhibit 7) and provide it to the Privacy Contact.

When a patient asks for an accounting of his or her disclosures, it will be the responsibility of the Privacy Contact to compile the information contained on all "Accounting of Disclosures for Research Forms" as well as on the "Accounting of Disclosures Form" for those disclosures made subject to HIPAA Policy 3B (uses and disclosures for special circumstances, such as for disclosures required by law or for health oversight).

As set forth in HIPAA Policy 3B of the clinic policies, the clinic has sixty (60) days to provide the information. The clinic can obtain an extension of up to thirty (30) days per request by notifying the patient of the reason for delay and the estimated completion date.

The patient's first accounting during a twelve (12) month period must be provided free of charge. If the patient requests more than one accounting of disclosures within a twelve (12) month period, the clinic can impose a reasonable cost-based charge. If a charge is imposed, the patient must be informed of the charge and given an opportunity to withdraw his or her request.

Information on disclosures that are subject to the accounting and documentation that is provided to the patient must be kept for a period of at least six (6) years.