

## **HIPAA: Accounting of Disclosures Guidance**

In general, clients have the right to know who has received their health information for reasons other than treatment, payment, health care operations, or disclosures specifically authorized by the client. Under HIPAA, disclosures that are not part of treatment, payment, and/or operations and that are not authorized by the client must be tracked. The list below will provide a clearer picture of which disclosures are subject to the HIPAA accounting requirement and which disclosures do *not* need to be tracked.

### **INCLUDED IN THE ACCOUNTING**

<b>Disclosure</b>	<b>Examples</b>
1. For Public Health Purposes	<ul style="list-style-type: none"> <li>• Immunizations</li> <li>• Infectious/Communicable disease reporting (i.e., HIV, STD, TB, foodborne)</li> <li>• Vital Statistics (i.e., birth and death certificates, fetal death, teen suicides)</li> <li>• Newborn Screening</li> <li>• Reports of death for purposes of organ donation</li> <li>• Poison Control</li> <li>• Lead Poisoning</li> <li>• Suspected pesticide poisoning</li> <li>• Animal bites</li> </ul>
2. About victims of abuse, neglect, or domestic violence	<p>This includes disclosure to Social Services or a protective service agency to report:</p> <ul style="list-style-type: none"> <li>• Domestic violence and intimate partner violence</li> <li>• Elder abuse</li> <li>• Child abuse</li> <li>• Abuse of mentally ill or developmentally disabled</li> </ul>
3. For health oversight activities	<ul style="list-style-type: none"> <li>• Audits (e.g., by Center for Medicare &amp; Medicaid Services)</li> <li>• Inspections (e.g., Dept of Health &amp; Human Services, Office for Human Research Protections)</li> </ul>
4. For judicial or administrative proceedings	<ul style="list-style-type: none"> <li>• Court orders</li> <li>• Subpoenas</li> </ul>
5. For law enforcement purposes	<ul style="list-style-type: none"> <li>• Reporting of gunshot wounds</li> </ul>
6. To Coroners, Medical Examiners, or Funeral Directors	<ul style="list-style-type: none"> <li>• About decedents</li> </ul>
7. For cadaveric organ, eye or tissue donation and transplantation purposes	<ul style="list-style-type: none"> <li>• Including activities related to Medicare Conditions of Participation</li> </ul>
8. For human-subject research that does not obtain a subjects authorization	<ul style="list-style-type: none"> <li>• Research that receives a waiver of authorization by the IRB</li> <li>• Research involving the health information of decedents</li> </ul>
9. To avert a serious threat to health or safety	
10. To the Food and Drug Administration (FDA) for purposes related to the quality, safety, or effectiveness of an FDA-regulated product or activity	<ul style="list-style-type: none"> <li>• To report adverse events</li> <li>• To track FDA-regulated products</li> <li>• To enable product recalls, repairs, or replacement</li> </ul>

11. Otherwise required/permitted by law	<ul style="list-style-type: none"> <li>• For worker’s compensation</li> <li>• To registries including: Cancer Trauma, and Immunizations</li> <li>• To advisory boards, such as the State Trauma Advisory Board</li> <li>• Hospital Holds for Mental Health</li> <li>• To state crime lab</li> <li>• Reports regarding Medical Marijuana Act Program</li> </ul>
12. Any other purpose that does not meet the “Not required” list below	

**NOT INCLUDED IN THE ACCOUNTING**

The following disclosures of protected health information **do not** need to be included in the accounting of disclosures:

<b>Disclosures that are <u>excluded</u></b>	<b>Examples</b>
13. To carry out treatment	<ul style="list-style-type: none"> <li>• Including, disclosures to other health care providers for their treatment activities</li> </ul>
14. To carry out payment	<ul style="list-style-type: none"> <li>• Including, disclosures to other health care providers and payers for their payment activities</li> </ul>
15. To carry out health care operations	<ul style="list-style-type: none"> <li>• This includes: quality improvement, outcomes analysis, developing clinical guidelines, training or education, medical review, legal services, auditing functions, business planning and development, fraud and abuse detection, accreditation, licensing, certification, credentialing and general administrative functions.</li> </ul>
16. Made as a result of a signed client authorization	
17. That occurred prior to April 14, 2003	
18. To clients about themselves	
19. To persons (family, friends, etc) involved in the care or payment of health care of the client	
20. Made incidentally to a permitted or required use and disclosure	
21. As part of a limited data set	<ul style="list-style-type: none"> <li>• A limited data set is health information that excludes specific direct identifiers of the client.</li> </ul>
22. For national security or intelligence purposes	
23. To correctional institutions or law enforcement officials having lawful custody of an individual	<ul style="list-style-type: none"> <li>• For example, custody of an inmate.</li> </ul>