



**Health Care Agency
Behavioral Health Services
Policies and Procedures**

Section Name: Information Management
Sub Section: HIPAA
Section Number: 05.05.02
Policy Status: New Revised

SIGNATURE

DATE APPROVED

Chief of Operations
Behavioral Health Services

SUBJECT:

Tracking Disclosures of Protected Health Information

PURPOSE:

To establish a policy and guidelines for Behavioral Health Services (BHS) regarding the tracking of disclosures of protected health information (PHI).

POLICY:

Behavioral Health Services shall comply with requirements (Code of Federal Regulations Title 45) to provide consumers with an accounting of disclosures of PHI by documenting and tracking PHI disclosures.

SCOPE:

This Policy and Procedure applies to all BHS staff.

REFERENCES:

Code of Federal Regulations Title 45 (45 CFR) §164.528, §164.530(j)(1)

County of Orange [P&P I-15, Accounting for Disclosures of Protected Health Information:](http://ocintranet.ocgov.com/hipaa/p&p/pp15.pdf)
<http://ocintranet.ocgov.com/hipaa/p&p/pp15.pdf>

Health Care Agency Administration P&P [IV-7.08 Patient Requests for an Accounting of Disclosures of Protected Health Information \(HIPAA\):](http://intranet.ochca.com/pap#ADMINISTRATION)
<http://intranet.ochca.com/pap#ADMINISTRATION>

Health Care Agency [Program Guidelines for Processing Protected Health Information Requests:](http://www1.ochca.com/ochealthinfo.com/docs/admin/Custodian/pg-complete.pdf) <http://www1.ochca.com/ochealthinfo.com/docs/admin/Custodian/pg-complete.pdf>

Behavioral Health Services P&P (05.05.03) [Accounting for Disclosures of Protected Health Information:](http://intranet.ochca.com/bhs/pap) <http://intranet.ochca.com/bhs/pap>

PHI Disclosure Tracking Log, Form (F346-749)

PROCEDURE:

- I. BHS staff shall place a PHI Disclosure Tracking log in each consumer chart. The log shall have a consumer label. Each time a BHS staff person discloses protected health information, that staff person shall make an entry on the PHI Disclosure Tracking log in that consumer's chart except for those situations noted below.
- II. Entry on the PHI Disclosure Tracking log is not required when PHI is disclosed in the following situations:
 - A. To carry out "treatment, payment, and operations" as permitted by the HIPAA Regulations. This includes the minimum necessary information provided to hospitals, emergency rooms, ambulance companies, or law enforcement when provided as part of an emergency assessment conducted in compliance with the Welfare and Institutions Code, Sections 5150 and 5585. These disclosures in these circumstances are considered to fall under the HIPAA definition of treatment, i.e. "the provision, coordination, or management of health care and related services among health care providers or by a health care provider with a third party, consultation between health care providers regarding a patient, or the referral of a patient from one health care provider to another."
 - B. Information is released to the individual about his or her own information per the HIPAA regulations.
 - C. Incident to a use or disclosure per the HIPAA regulations.
 - D. Pursuant to an authorization per the HIPAA regulations.
 - E. Should the Health Care Agency use facility directories, for the facility directory or to persons involved in the individual's care, or other notification purposes permitted per the HIPAA regulations.
 - F. For national security or intelligence purposes, per the HIPAA regulations.
 - G. To correctional institutions or law enforcement officials as permitted per the HIPAA regulations.
 - H. As part of a limited data set, according to HIPAA regulations, which has been de-identified and may have been disclosed for purposes of research, public health or health care operations.
 - I. That occurred prior to the compliance date for the covered entity.
- III. Disclosures that must be recorded include those allowed for which an authorization or opportunity to agree or object is not required as listed in 45 CFR 154.512 and the individual has not already been notified regarding the disclosure. Examples include, but are not limited to items such as:
 - A. Disclosures required by law.

- B. Disclosures for public health activities.
- C. Disclosures about victims of abuse, neglect or domestic violence.
- D. Disclosures for health oversight activities.
- E. Disclosures for judicial and administrative proceedings.
- F. Disclosures for law enforcement purposes.
- G. Disclosures about decedents.
- H. Disclosures for organ donation.
- I. Disclosures for research purposes.
- J. Disclosures to avert a serious threat to health and safety.
- K. Disclosure permitted that is consistent with applicable law and standards of ethical conduct.
- L. Disclosure for specialized government functions including military command authorities, protection for government officials, medical suitability determinations.
- M. Standard disclosures for workers' compensation.