

Purpose: To respond to a facility's request for an accounting procedure to indicate how and to whom they release a patient's information to others.

Background: One cancer reporting facility requested follow-up information regarding feedback on the Texas Cancer Registry (TCR) SandCrab Lite software's ability to provide an accounting of "releases" to meet HIPAA requirements. This inquiry resulted during a recent cancer audit exit interview for the facility by regional staff. The regional program manager requested the TCR central office to investigate procedures of other TDH divisions providing direct patient services and identify their methods for handling patient requests for information release. The facility is asking for an accounting procedure to indicate who receives patient identifying information and the forms used by patients to make such requests.

Question: How does the TDH notify patients regarding shared patient information and what are some examples of such forms?

Answer: The HIPAA privacy regulations give an individual the right to receive a list (or an accounting) of certain types of disclosures for the past six years, beginning with disclosures on April 14, 2003. Therefore, all health care facilities that provide direct health care services need to track disclosures in the client record. TDH has no particular form for such requests of release of information.

Discussion: The TCR may deny any such requests because the registry is not a HIPAA-covered component of TDH. If the TCR receives a request for a list of disclosures, responses will be coordinated with the TDH public information coordinator, program attorney and HIPAA Privacy Officer. The TDH is not under any legal obligation, nor is able to provide a plan or policy for HIPAA-covered facilities. The TDH HIPAA Privacy Notice is a general notice of health information practices for our clients regarding to whom patient information may be provided and the purpose of this information.

See http://www.tdh.state.tx.us/hipaa/privacy_notice.htm for additional information

Unlike the TCR, the cancer reporting facilities and other entities that send information to the registry are most likely covered by HIPAA. They must keep track of certain types of disclosures so they can respond if an individual requests an accounting. Each HIPAA-covered entity has the responsibility to track its own disclosures. Disclosures to public health registries (as required by law) are among the types of submissions that the reporting entity must track. Other disclosures subject to the accounting requirement include disclosures made for law enforcement activities, reporting communicable diseases, adverse drug events, abuse, neglect, or domestic violence.

Form Summary: In the research conducted by the TCR, here are 4 of the more common approaches regarding patient notification forms and accountability process.

1. Routine reports that are transmitted electronically and/or periodically would not have to be entered into each patient record. This information could be disclosed as an attachment to individual disclosures as an appendix.

Example: "[**facility name**] disclose the following information on a monthly basis to the Texas Department of Health or other authorized public health authority: [**list of reportable diseases reported**]. If you were diagnosed or treated for one of these conditions, your record would have been reported to the TDH and would include all information and data elements required by law."

2. Acknowledgement of receipt of notice for patient services received at a facility signed by the patient, guardian, or other legal representative.

Example: “I understand that the **[facility name]** is a health care facility licensed in the State of Texas and may have to share my health information with other providers / business associates for treatment, billing, and health care operations. I have been given a copy of **[facility name]** notice of health information practices that describes how my health information is used and shared. I understand that the **[facility name]** has the right to change this notice at any time. I may obtain a current copy by contacting the **[facility name]** Admissions office or by visiting the **[facility name]** web site (if applicable).

I hereby acknowledge that I have received a copy of the **[facility name]** notice of health information practices and that I have read or requested to have this document read or translated to me and understand it.

3. Application forms for patient request of services (i.e. kidney dialysis payment by a third party) contain general statements regarding federal laws and disclosure of Social Security Numbers, Applicant Statement of Assurances, and Privacy Notifications pertaining to an individual reporting facility. Each patient application contained a section that required a notary public seal / stamp that disclosure information was provided to the patient.

4. A current cancer reporting facility has created a database of accounting disclosures. The database includes MR#, Disclosure Date and Time, Recipient (Agency) Information, Recipient Address, Patient Name, Information Disclosed (includes service date where applicable), and purpose of disclosure.

Resources:

http://www.tdh.state.tx.us/hipaa/privacy_notice.htm

TDH HIPAA privacy notice – user disclose information to patients. Based on HIPAA law, suggests possible reasons what & how information may be disclosed

<http://www.texmed.org/pmt/etips/hipaacompliance.asp>

Texas Medical Association web-site information for physician offices, “Start heading toward HIPAA compliance in your practice.” Training seminars were providing a CD-ROM of forms & other examples for HIPAA compliance. Per Linda – include information on how to track accounting disclosures.

<http://www.tdh.state.tx.us/hipaa/Links.htm#privacy>

TDH HIPAA links to HIPAA information.

<http://www.tdh.state.tx.us/tcid/Patient-Information-pg.htm>

TCID patient information overview

<http://www.tdh.state.tx.us/tcid/PDF-Docs/Notice%20of%20Health%20Information%20Practices.pdf>

Copy of TCID Health Information policy notice, pdf file

<http://www.tdh.state.tx.us/ideas/report/>

TDH disease reporting forms

<http://www.tdh.state.tx.us/kidney/forms/revapp2-02eng.pdf>

Kidney Health Care application for benefits form

<http://www.hhs.gov/ocr/hipaa/privacy.html>

Homepage: U.S. Dept of Health & Human Services, Office for Civil Rights – HIPAA Medical Privacy - National Standards to Protect the Privacy of Personal Health Information.

<http://www.hhs.gov/ocr/hipaa/guidelines/notice.pdf>

U.S. Dept of Health & Human Services, Notice of Privacy Practices for Protected Health Information.