

## Optometry Coding & Billing Alert

### Are You Required to Report Both Wrongful and Incidental Disclosures?

**Question:** What is the difference between a wrongful and an incidental disclosure of protected health information (PHI)? Also, do we have to report both types of violations when compiling an accounting of disclosures?

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**Answer:** An incidental disclosure is when PHI is shared inadvertently with unauthorized persons during the performance of day-to-day operations in your medical office. For example, a patient in exam room A hears a doctor talking to another patient in exam room B. This is an incidental disclosure.

A wrongful disclosure is sharing PHI with unauthorized persons outside of the office's day-to-day operations. Example: While at lunch outside the office, one staffer asks another, "Did you notice that Joe Stone's glaucoma is getting worse?" This is an example of wrongful disclosure of PHI: The staffer linked Joe Stone's name to his medical condition outside of the office.

**Remember:** Your office must note all of its wrongful disclosures, which are vital when compiling an accounting of disclosures for auditors. You are not required to list incidental disclosures of PHI.

Advice for Reader Questions and You Be the Expert contributed by **David Gibson, OD, FAAO**, practicing optometrist in Lubbock, Texas; and **Charles Wimbish, OD**, president of Wimbish Consulting Group in Martinsville, Va.