

Health Information Compliance Alert

Privacy Strategies: Use This Script If A Patient Asks About Disclosures

If a staff member lacks basic knowledge about your office's disclosure policy, she could be caught off-guard if a patient calls asking questions. That could result in the patient losing faith in the competency of your practice.

Solution: Here's a script you can use to quickly and knowledgeably respond to the most common patient concerns about accounting of disclosures.

Important: Tweak the scripts so that they contain your practice's specific information.

Question 1: What is an accounting of disclosures?

Answer: It is a list of who we've released your information to when we're not required to have your permission or consent. Any wrongful disclosures -- such as sending your results to the wrong person -- are also included.

(Source: **Judith Moore**, HIPAA Coordinator for **Adena Health System** in Chillicothe, Ohio).

Question 2: What information will not be in the accounting?

Answer: The government allows us to leave off many standard disclosures. Your accounting will not list:

- disclosures to carry out treatment, payment and health care operations;
- disclosures you authorized;
- disclosures made to you;
- disclosures for our facility directory or to those involved in your care or for other notification purposes;
- incidental disclosures;
- disclosures of your limited data set;
- disclosures for national security or intelligence purposes;
- disclosures to correctional institutions or law enforcement officials; or
- disclosures that we made before the privacy rule's compliance date.

(Source: **Keshia Thompson**, an attorney with **Ruskin Moscou Faltischek** in Uniondale, N.Y.)

Question 3: How often can I ask for an accounting of disclosures?

Answer: You are entitled to one free accounting of disclosures per 12-month period. We can charge a reasonable fee for any additional accounting request made within that period.

(Source: **Debbie Larios**, an attorney with **Miller & Martin** in Nashville.)

Question 4: What does the fee include?

Answer: Our fee pays for the copying cost, as well as the time and labor it takes our staff to put together the accounting.

Some entities also include non-labor costs such as administrative overhead, copy machine maintenance and liability insurance. Further, we must provide your accounting no later than 60 days after we receive your request. If we cannot meet that deadline, we may extend it one time for no more than 30 days.

We will notify you in writing of any delays within the 60-day window, along with reason for the delay and the projected date we will provide the request. (**Sources:** Thompson, Moore.)