

Disclosures That Must Be Accounted For

Providers must account for the following disclosures of PHI when made without a HIPAA-compliant authorization from the patient:

1. In connection with judicial and administrative proceedings (for example, pursuant to a subpoena or court order)
2. For public health activities and reporting (for example, births, deaths, communicable diseases, lapses of consciousness, pesticide illnesses, burn and smoke inhalation injuries, cancer registry, etc.)
3. To the FDA (for example, medical device malfunctions, adverse events, lookback, vaccine reactions, post marketing surveillance)
4. To report injuries by firearms, assaultive or abusive conduct
5. About victims of abuse, neglect, domestic violence
6. For health oversight activities (unless for TPO*)
7. To a law enforcement official (for example, pursuant to a judicial or administrative order or search warrant, regarding crime on the premises, for identification and locating suspects and fugitives)
8. To coroners, medical examiners, funeral directors
9. For cadaveric organ, eye or tissue donation
10. For certain specialized government functions (military and veterans activities, national security and intelligence activities, protective services for the President of the United States and other public officials, correctional institutions and other law enforcement custodial situations)
11. For workers' compensation purposes
12. To business associates (unless for TPO*)
13. To researchers
14. To the Secretary of the U.S. Department of Health and Human Services
15. To avert a serious threat to health or safety
16. Disclosures required by law
17. Unlawful and unauthorized disclosures outside the facility (breaches)

Providers should review the *California Health Information Privacy Manual* to determine when and under what circumstances the above disclosures may be made.

Providers must temporarily suspend a patient's right to receive an accounting of disclosures made to a health oversight agency or a law enforcement official in certain circumstances. (See *F. "Temporary Suspension of an Individual's Right to Receive an Accounting"* for more information.)

**The Secretary of DHHS published a Notice of Proposed Rule Making to implement the HITECH requirement regarding accounting of disclosures from an EHR [76 Fed. Reg. 31426 (May 31, 2011)]. The proposal also will change the requirements for accounting of disclosures from paper medical records. This form will likely require revisions when the Secretary of DHHS publishes the final rule and it becomes effective. (See “Accounting of Disclosures From an EHR: New Law Coming” for further information.)*