

HIPAA: Disclosure Log Guidance Document

This guidance document is provided as a quick reference for the application of MHSADS policy #MRC.512 Accounting of Disclosures and Disclosure Log. The full policy can be found at G:\Department Policies, Procedures and Guidelines.

This list is designed to capture the most common types of disclosures, but is not exhaustive. If staff have questions about whether a disclosure must be recorded on a *Disclosure Log*, staff should check with their supervisor or e-mail HIM@loudoun.gov

Disclosures that do NOT have to be INCLUDED On a *Disclosure Log*

Disclosures made for the following purposes/reasons:	Examples
1. To carry out treatment	Including, disclosures to other health care providers who are currently treating the individual
2. To receive payment for services	Including, disclosures to insurance companies, other payers or entities to collect payment for services or verify eligibility for coverage.
3. To carry out MHSADS health care operations	Including disclosures for: Quality assessment and improvement activities (including outcomes evaluation and development of clinical guidelines). <ul style="list-style-type: none">• Case management or care coordination• Outcomes analysis• MHSADS legal services• Internal auditing functions• Business planning and development• Health care fraud and abuse detection or compliance• Professional performance review, health care provider training, accreditation, certification, licensing, or credentialing activities.
4. Made as a result of a signed <i>Authorization for the Release of Information</i>	
5. To individuals about themselves	For example, providing an individual a copy of his/her treatment plan
6. Incidental Disclosures	Including, limited disclosures that cannot not reasonably be prevented that occur as a byproduct of an otherwise permitted use or disclosure. For example, another MHSADS staff overhearing a phone call with an individual occurring at a co-workers cubicle.
7. For national security or intelligence purposes	Disclosures made to the Department of Homeland Security

INCLUDED IN THE ACCOUNTING

The following disclosures of protected health information **must** be recorded on a *Disclosure Log* unless one of the above exceptions apply.

Disclosures made for the following purposes/reasons:	Examples
1. About victims of abuse, neglect, or domestic violence	<p>This includes disclosure to Child Protective Services (CPS) and Adult Protective Services (APS):</p> <ul style="list-style-type: none"> • Domestic violence and intimate partner violence • Elder abuse • Child abuse • Abuse of mentally ill or developmentally disabled
2. For health oversight activities	<p>Disclosures made to external agencies (i.e. Department of Behavioral Health and Disability Services and Department of Health and Human Services) for the following purposes:</p> <ul style="list-style-type: none"> • Audits • Inspections • Oversight Reviews
3. For judicial or administrative proceedings	<ul style="list-style-type: none"> • Court orders • Subpoenas
4. For Public Health Purposes	<ul style="list-style-type: none"> • Immunizations • Infectious/Communicable disease reporting (i.e., HIV, STD, TB, foodborne) • Vital Statistics (i.e., birth and death certificates, fetal death, teen suicides) • Poison Control • Reports of death for purposes of organ donation
5. Otherwise required/permitted by law	<p>This includes disclosures:</p> <ul style="list-style-type: none"> • To avert a serious threat to health or safety • For worker's compensation
<p>6. Unauthorized Disclosures****</p> <p>****Staff MUST complete an Incident Report and the HIM Officer will ensure that a Disclosure Log is Completed</p>	<ul style="list-style-type: none"> • Misdirected fax or e-mail • Release of information based on invalid authorization
7. Any other purpose that does not meet the "Not required" list below	