



HIPAA Request for Accounting of PHI Disclosures

A Lexis Practice Advisor® Practice Note by
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FORM SUMMARY

This form is used by an employer-sponsored group health plan to allow individuals to ask for information about the plan's disclosures of the individual's protected health information (PHI). Plan participants (and their covered spouses and dependents) have a right to receive this information under the Health Insurance Portability and Accountability Act's (HIPAA's) Privacy Rule, 45 C.F.R. § 164.528. This form is drafted for a group health plan, but can be modified for use by other types of HIPAA covered entities, such as a health service provider. This form contains drafting notes.

For more information on HIPAA Privacy Rule and Security Rule Compliance, see [HIPAA Privacy, Security, Breach Notification, and Other Administrative Simplification Rules](#). Additional guidance on accounting disclosures may be found in [Dep't of Health and Human Services, Right to an Accounting of Disclosures](#), available on the agency's [website](#). For other PHI-related forms, see [HIPAA Notice of Privacy Practices](#) and [HIPAA Authorization for PHI Use or Disclosure](#).

[name of employer] [name of group health plan] (the “Plan”)

Request for an Accounting of Disclosures of Protected Health Information

Purpose of form: Use this form to request an accounting of certain disclosures of your “Protected Health Information” (as defined in the Health Insurance Portability and Accountability Act of 1996, as amended (“HIPAA”)) made over the past six years by, or on behalf of, the Plan. We will provide the accounting within 60 days after receipt of your request. However, if we are unable to respond in that time, we will notify you of any needed extension.

Drafting Note to Purpose of Form Section

Covered entities must provide the accounting within 60 days after a request (which may be extended by up to 30 days by issuance of a notice to the individual within the 60-day period that explains the reason for the delay and the date the accounting is expected to be provided). 45 C.F.R. § 164.528(c)(1). Documentation requirements are found in 45 C.F.R. § 164.528(d).

Instructions: Please fill out the information requested below, sign and date the form, and return it to: [address]. If you have any questions regarding the form, please contact the Plan’s HIPAA Privacy Official at: [contact information]

Fee. There is no cost to request an accounting of Protected Health Information in any 12-month period. If the Plan charges a fee for more frequent requests, you will be notified in advance of being charged and will be given the opportunity to withdraw or modify your request to avoid the fee.

Drafting Note to Fee Section

Covered entities may not charge for the first accounting provided in any 12-month period, but may impose a reasonable fee for additional requests. 45 C.F.R. § 164.528(c)(2).

Accounting request:

By signing below, I request the Plan to provide me with an accounting of all disclosures of my health information for which I have a right to such accounting under section 164.528, part 164, title 45 of the Code of Federal Regulations and the policies of the Plan.

Note that disclosures made over six years ago, disclosures made to carry out treatment, payment or health care operations, and certain other types of disclosures, may be excluded from the accounting.

The specific portion of my health information about which I wish the Plan to provide an accounting of disclosures is the following:

Drafting Note to Second Paragraph of Accounting Request Section

Asking the individual to identify the specific information being sought may facilitate a more directed response by the plan (or other HIPAA covered entity), but this form assumes that a full accounting of all required disclosures will be made. The individual has a right to receive the following information regarding any PHI disclosures subject to the accounting disclosure requirement (described in the Drafting Note to Accounting Request Section):

- Date of the disclosure
- Name and address, if known, of the recipient of the PHI
- Brief description of the PHI disclosed –and–
- Brief description of the purpose of the disclosure

45 C.F.R. § 164.528(b)(2) (see special rules in 45 C.F.R. § 164.528(b)(3), (4)).

My contact information is:

Name: _____

Address: _____

Telephone: _____ (home/mobile) _____ (work)

Signature: _____

Date: _____

Drafting Note to Accounting Request Section

The PHI that is subject to the accounting disclosure requirement includes disclosures made by the covered entity or by its HIPAA business associates, but is (1) limited to disclosures occurring in the last six years and (2) excludes many common types of disclosures of PHI that were:

- To carry out treatment, payment, and health care operations, or incident to another type of permitted use or disclosure under HIPAA
- Made to the relevant individual
- Made pursuant to a specific authorization by the individual• In the form of a limited data set –or–
- Fell within certain other disclosures specifically permitted under HIPAA (e.g., for law enforcement or national security purposes)

45 C.F.R. § 164.528(a).

For Plan use only:

Received by:

Signature: _____

Print name: _____

Date received: _____

Method of receipt (e.g., U.S. mail, delivery service, by hand): _____

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Gabriel Marinaro serves as special counsel in the Employee Benefits and Executive Compensation group. His practice focuses on all aspects of employee benefits and executive compensation. He regularly counsels publicly traded and privately held companies, tax-exempt organizations, and governmental entities on a variety of employee benefits and executive compensation matters. Gabe regularly advises both employers and executives on a wide range of executive compensation matters, including drafting employment agreements, equity compensation arrangements, severance agreements and bonus plans. Gabe provides guidance on nonqualified deferred compensation plans both for for-profit companies and tax-exempt clients. Gabe regularly drafts nonqualified deferred compensation arrangements, including supplemental executive retirement plans, and change in control agreements. Additionally, Gabe advises employers and executives on issues under Code Sections 409A, 457(f), 457A, 162(m), 280G and 83 regarding compensation arrangements for executives.

Gabe assists both publicly traded and privately held companies with equity compensation matters, including drafting equity incentive plans, securities filings, award agreements, and other documentation surrounding the implementation of an equity incentive plan and the underlying awards. Gabe also has drafted and advised on profits interests plans and unit appreciation rights plans for limited liability companies.

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