



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

James Greer

Name of Individual Certifying this Document/Proposed Document


Director, Bureau of Health Services

Title

Signature

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.50.15	Page 1 of 6
	Original Effective Date: 03/01/05	New Effective Date: 09/16/13
	Supersedes: BHS500:15	Dated: 01/01/09
	Administrator's Approval: Cathy A. Jess, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Request for Accounting of Disclosures of Protected Health Information		

POLICY

A current or former inmate patient has the right to request a written accounting of certain disclosures of protected health information made by the Division of Adult Institutions without the written authorization of the current or former inmate patient. The request may cover a period of up to six years prior to the date of the request.

REFERENCES

Code of Federal Regulations – Title 45 – Section 164.528 – Public Welfare – Security and Privacy

Health Services Policy and Procedure 500:09 – Disclosure of Protected Health Information With Patient Authorization – Appendix A

Health Services Policy and Procedure 500:10 – Disclosure of Protected Health Information Without Patient Authorization

Attachment A – Disclosures – HIPAA Accounting

DEFINITIONS, ACRONYMS AND FORMS

Authorized representative – Individual with legal authority to act upon behalf of a patient, such as a legal guardian of the person, or health care agent under an activated Power of Attorney for Health Care, or a parent of a minor child.

Central Medical Records (CMR) – Unit at Dodge Correctional Institution that for males sets up new Health Care Records, stores all inactive Health Care Records, reactivates Health Care Records upon readmission of a patient, and responds to requests for information contained in Health Care Records.

Correctional facility – Institution or correctional center operated by DAI.

DAI – Division of Adult Institutions

Dental Service Request – DOC-3392 used by a patient to request an appointment with a dentist, to ask a health-related question, or to request a DOC form needed to exercise a legal right related to the patient's HCR.

Dental Services Unit (DSU) – Work unit including dentists and other dental staff who provide dental care to a patient residing in a DOC correctional facility.

DOC-3011 – Fees for Copies of Health Care Records

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DOC-3035 – Health Service Request and Copayment Disbursement Authorization

DOC-3035B – Psychological Service Request

DOC-3342 – Disclosure of PHI Without Patient Authorization

DOC-3392 – Dental Service Request and Copayment Disbursement Authorization

DOC-3489 – Request for Accounting of Disclosures of PHI

DOC – Department of Corrections

Health Care Record (HCR) – Official confidential DOC record created and maintained for each patient consisting of all or some of the following components: gray/green Medical Chart and/or orange Short Term Inmate Admission Medical Chart, Dental Record, Psychological Records-Copies envelope, Medications Record envelope, Patient Request Folder, Psychological-Services Unit Record, and other components as defined by the Bureau of Health Services.

Health Insurance Portability and Accountability Act (HIPAA) – Federal law requiring covered entities to follow national standards that protect the privacy and security of protected health information.

Health Service Request – DOC-3035 used by a patient to request an appointment with health services to ask a health-related question, or to request a DOC form needed to exercise a legal right related to the patient's HCR.

Health Services Unit (HSU) – Work unit including physicians, dentists, nurses and support staff who provide health care services to a patient residing in a DAI correctional facility.

HIPAA Compliance Officer – Employee designated by the Secretary of the Department of Corrections to oversee implementation of and compliance with DOC policies and procedures, and Wisconsin and federal laws pertaining to confidentiality of health care information.

Inactive Women's Medical Records (IWMR) – Unit at Taycheedah Correctional Institution that for females sets up new Health Care Records, stores all inactive Health Care Records, re-activates Health Care Records upon re-admission of a patient, and responds to requests for information contained in Health Care Records.

Individually identifiable health information – Information that identifies an individual, including demographic information, created or received by a health care provider that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

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Patient – An individual who receives or has received health services from a qualified health care professional or health care provider. For purposes of this policy, patient includes an authorized representative.

Protected Health Information (PHI) – Individually identifiable health information transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium.

Psychological Service Request – DOC-3035B used by an inmate patient to request an appointment with psychological services, to ask a mental health-related question or to request a DOC form needed to exercise a legal right related to the inmate patient's HCR.

Psychological Services Unit (PSU) – Includes the psychologists and support staff who provide psychological services to a patient residing in a correctional facility.

PROCEDURES

I. Overview of Accounting of Disclosures

- A. Per HIPAA regulations, DOC must keep track of certain disclosures made without an authorization, so that a current or former inmate patient may request an accounting of the disclosures.
- B. DOC uses the DOC-3342 – Disclosure of PHI Without Patient Authorization to track certain disclosures made without an authorization..
- C. Disclosures to be documented on the DOC-3342 include, but are not limited to, disclosures made to the state epidemiologist, medical examiners, and courts in response to a court order. See Attachment A for a complete list. Consult with HIPAA Compliance Officer for any questions.
- D. Per HIPAA regulations, DOC does not track on the DOC-3342 disclosures listed in Attachment A, some of which include:
 1. For treatment, payment and health care operations.
 2. To the inmate patient or pursuant to an authorization.
 3. Incident to a permitted use or disclosure.
 4. For national security or intelligence purposes
 5. To correctional institutions or law enforcement.
 6. De-identified information.
 7. Prior to May, 2005.
- E. An inmate patient in a correctional facility shall complete a DOC-3035 – Health Service Request and Copayment Disbursement Authorization, DOC-3392 – Dental Service Request and Copayment Disbursement Authorization, or a DOC-3035B – Psychological Service Request to request an accounting of certain disclosures of PHI made by the HSU, DSU or PSU.
- F. A former male inmate patient shall contact CMR at Dodge Correctional

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Institution, and a former female inmate patient shall contact Inactive Women's Medical Records at Taycheedah Correctional Institution, to request an accounting of disclosures of PHI.

- G. See Health Services Policy and Procedure 500:09 – Disclosure of Protected Health Information With Patient Authorization – Appendix A, for a table showing who may act on behalf of a minor or an adult.
- H. The recipient of a form under “C.” above, or of a request via telephone or in writing under “D.” above, shall provide the current inmate patient or former inmate patient with the DOC-3489 – Request for Accounting of Disclosures of PHI at no charge, within 10 calendar days.
- I. Upon receipt of the DOC-3489 – Request for Accounting of Disclosures of PHI, the inmate patient shall complete Section 1 of the DOC-3489 and return it to the HSU, DSU, PSU, CMR, or IWMR.
- II. **DOC-3489 – Request for Accounting of Disclosures of PHI – Step 2: Has the inmate patient made a prior request in the past 12 months?**
- A. Upon receipt of the DOC-3489 with Step 1 completed, the HSU, DSU, PSU, CMR or IWMR shall determine whether a copying fee will be charged.
- B. Review the HCR to see if the inmate patient has made a prior request within the past 12 months.
1. If no request was made, copy the DOC-3342 – Disclosure of PHI Without Patient Authorization, proceed to complete Step 4.
 2. If a request was made within the past 12 months, enter the information in Step 2, and return the DOC-3489 to the inmate patient so that he/she can decide if he/she wishes to withdraw the request for the DOC-3342.
 - a. If the inmate patient returns the DOC-3489 indicating he/she wants to proceed with the request, count the number of pages of DOC-3342 forms, and inform the inmate patient of the copying costs asking that the inmate patient complete a Disbursement Request.
 - b. Upon receipt of the Disbursement Request, make the copy and proceed to Step 4 of the DOC-3489.
- III. **DOC-3489 – Step 3: When extension is needed**
- A. When the DOC-3342 – Disclosure of PHI Without Patient Authorization cannot be provided to the inmate patient within 60 days of the request, complete Step 3 of the DOC-3489 stating the reason for the delay and the expected date by which DOC will provide the DOC-3342.
- B. Forward the DOC-3489 to the inmate patient as soon as it is determined that the request cannot be completed within 60 days of the request, but never any more than 60 days after the request.
- C. DOC must provide the DOC-3342 within no more than 30 additional days past the original 60 days deadline from the date of the request.

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D. Upon sending the DOC-3342 to the inmate patient, complete Step 4 under Section IV.C. below.

IV. DOC-3489 – Step 4: Sending the DOC-3342 – Disclosure of PHI Without Patient Authorization to the Inmate Patient

- A. Provide a copy of the DOC-3342 to inmate patient within 60 days of the request.

- B. See Health Services Policy and Procedure 500:10 – Disclosure of Protected Health Information Without Patient Authorization for additional information regarding the DOC-3342, as needed.

- C. Complete Step 4 to indicate when the DOC-3342 was sent to the inmate patient, and the job title and location of the employee providing the DOC-3342.

- D. File the original DOC-3489 in the Medical Chart – Correspondence Section, Dental Record, Correspondence Section, or in the PSU Record, Inmate Correspondence Section, as appropriate.

Bureau of Health Services: _____ **Date Signed:** _____
James Greer, Director

_____ **Date Signed:** _____
David Burnett, MD, Medical Director

_____ **Date Signed:** _____
Mary Muse, Nursing Director

Administrator's Approval: _____ **Date Signed:** _____
Cathy A. Jess, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 500.50.15	Page 6 of 6
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Request for Accounting of Disclosures of Protected Health Information		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other