# How to Prevent an Unauthorized Disclosure of Protected Health Information (PHI)

**Scenario of an Unauthorized Disclosure**

**Scenario:** A patient is in an exam room with a friend. A doctor walks in to explain test results to the patient. After giving a polite greeting, the doctor begins disclosing the test result to the patient.

**Is this a Privacy Violation? YES!!**

**Explanation:** The physician was lacking sensitivity of the patient’s privacy. Be sure you have the patient’s permission before discussing confidential information in front of family members or friends. In some situations, it may be appropriate to ask a family member or friend to step out of the room before speaking with a patient about his or her medical information.

<table>
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<tr>
<th>Ways to prevent an unauthorized disclosure of PHI</th>
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<tr>
<td>• Be sure you have the patient’s permission before discussing confidential information in front of family members, friends, or caregivers.</td>
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<td>• In some situations, it may be appropriate to ask family members or friends to step out of the room before speaking with a patient about his or her medical condition.</td>
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<tr>
<td>• Discuss confidential matters in private area.</td>
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<tr>
<td>• Avoid discussing patient information in the elevators, hallways, cafeteria, and waiting rooms.</td>
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**Definition of “Disclosure”**

“Disclosure” includes all releases, transmissions, dissemination or communications, whether they are made orally, in writing or by electronic transmission [Health and Safety Code Section 120980(k)]

- We must protect patient’s personal and health information that is:
  - Created, received, or maintained by a health care provider or health plan
  - Written, spoken, or electronic

**Fines & Penalties**

The hospital is required to report privacy breaches to the California Department of Public Health (CDPH). CDPH has the responsibility to investigate breaches and has the authority to issue administrative penalties to the hospital. Additionally, it may report individual violators to the office of HIPAA Implementation/ Health Information Integrity (OHI). OHI has the authority to fine individual violators up to $250,000 per incident and to report them to the appropriate licensing board.

**Report a Privacy Breach:**

Report every potential Breach of Protected Health Information (PHI):

- **Privacy Officer:** Maggie Rykowski (415) 206-4294
- **NEW! Privacy Hotline:** (855) 729-6040
- **Email:** Maggie.rykowski@sfdph.org or andrea.sun@ucsf.edu
- **Policy:** Reference to Reporting a privacy breach policy [#8.27]

The Privacy Office also provides consultation on all privacy related questions. If you have any questions, please feel free to contact us.