



PRIVACY PULSE

SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH

ACCESS, USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION (PHI)

ACCESS, USE AND DISCLOSURE FOR:
TREATMENT
PAYMENT
OPERATIONS



ACCESS TO PROTECTED HEALTH INFORMATION (PHI) IS GRANTED ON A NEED TO KNOW BASIS, BASED UPON YOUR JOB ROLE, NECESSARY TO COMPLETE YOUR JOB DUTIES, OR FOR PURPOSES OF TREATMENT, PAYMENT OR OPERATIONS (TPO). HIPAA REGULATIONS PERMITS USE OR DISCLOSURE OF PHI FOR:

- PROVIDING MEDICAL TREATMENT
- PROCESSING HEALTHCARE PAYMENTS
- CONDUCTING HEALTHCARE BUSINESS OPERATIONS
- OR AS REQUIRED BY LAW

UNAUTHORIZED ACCESS, USE AND DISCLOSURE OF PHI ARE CONSIDERED A PRIVACY VIOLATION AND WILL RESULT IN APPROPRIATE DISCIPLINARY ACTION.

UNAUTHORIZED ACCESS SCENARIO



SCENARIO #1: YOUR FRIEND'S MOTHER CONTACTED YOU ON YOUR DAY OFF TO RUSH TO THE HOSPITAL WHERE YOU WORK, BECAUSE YOUR FRIEND WAS INVOLVED IN A CAR ACCIDENT AND IS IN A CRITICAL CONDITION. SINCE YOU WORK AT THE HOSPITAL, SHE WANTS YOU TO BE INVOLVED IN HIS CARE BY ACCESSING HIS MEDICAL RECORDS AND UPDATING HER ON HER SON'S CONDITION.

QUESTION: SHOULD YOU ACCESS HIS MEDICAL INFORMATION AND SHARE IT WITH HER?

THE ANSWER: NO. EVEN THOUGH YOU ARE AN EMPLOYEE AT THE HOSPITAL, YOU DO NOT HAVE AUTHORIZATION TO ACCESS THE PATIENT'S RECORD. AUTHORIZATION TO ACCESS PATIENT'S PROTECTED HEALTH INFORMATION IS GRANTED TO ONLY THOSE STAFF MEMBERS WHO REQUIRE ACCESS TO PERFORM THEIR JOB DUTIES. OR IT MUST BE AUTHORIZED BY THE PATIENT AND ACCESSED THROUGH APPROPRIATE CHANNELS (SUCH AS THROUGH HIS ATTENDING PHYSICIAN & HIS CARE TEAM OR MEDICAL RECORDS DEPARTMENT).

UNAUTHORIZED USE SCENARIO



SCENARIO #2: ANN IS A MIDWIFE AT THE HOSPITAL AND SHE JUST HEARD A FELLOW EMPLOYEE IS PREGNANT. THE OTHER STAFF MEMBERS WOULD LIKE TO GIVE HER A BABY SHOWER, BUT NOBODY KNOWS WHEN THE BABY IS DUE OR IF IT'S A BOY OR GIRL. ANN HAS ACCESS TO THE RECORDS AND COULD EASILY FIND OUT THE ANSWER TO BOTH QUESTIONS.

QUESTION: SHOULD ANN TRY TO GET THE INFORMATION ABOUT THE PREGNANCY AND SHARE IT WITH THE STAFF?

THE ANSWER: NO. THIS IS CLEARLY AN UNAUTHORIZED USE OF MEDICAL INFORMATION. REMEMBER THAT ANY TIME PATIENT INFORMATION IS USED FOR PURPOSES OTHER THAN TREATMENT, PAYMENT, OR OPERATIONS; IT MUST BE AUTHORIZED BY THE PATIENT.

UNAUTHORIZED VERBAL DISCLOSURE SCENARIO



SCENARIO #3: A CANCER PATIENT IS WITH SEVERAL VISITORS IN HIS ROOM WAITING TO BE DISCHARGE FROM THE HOSPITAL. A NURSE WALKS IN AND PROVIDES HIM WITH HIS DISCHARGE INSTRUCTIONS IN FRONT OF HIS VISITORS, WHICH INCLUDES A REVIEW OF HIS MEDICATIONS AND CHEMO THERAPY APPOINTMENTS.

QUESTION: WHAT SHOULD THE NURSE HAVE DONE DIFFERENTLY?

THE ANSWER: THE NURSE SHOULD HAVE ASKED THE PATIENT'S PERMISSION BEFORE DISCUSSING CONFIDENTIAL INFORMATION

	<p>IN FRONT OF HIS VISITORS. IT MAY BE APPROPRIATE TO ASK THE VISITORS TO STEP OUT OF THE ROOM BEFORE SPEAKING WITH A PATIENT ABOUT HIS OR HER MEDICAL INFORMATION.</p>
<p>UNAUTHORIZED ACCESS OF ONE'S OWN MEDICAL RECORD SCENARIO</p> 	<p>SCENARIO #4: YOU ARE A DPH NURSE WHO RECENTLY WAS ADMITTED TO THE DPH EMERGENCY DEPARTMENT FOR AN INJURY AND YOU ARE NERVOUSLY AWAITING THE RESULTS OF THE PROCEDURE THAT WAS DONE.</p> <p>QUESTION: IS IT ALRIGHT TO LOOK UP YOUR OWN MEDICAL RECORD IN THE LCR?</p> <p>THE ANSWER: NO, YOU MAY NOT LOOK AT YOUR OWN MEDICAL RECORD WITHOUT PRIOR AUTHORIZATION. EVEN THOUGH HIPAA IS SILENT ON THIS, DPH POLICY PROHIBITS AN EMPLOYEE (IN THIS CASE, THE PATIENT) FROM ACCESSING THEIR OWN MEDICAL RECORDS WITHOUT FIRST GOING THROUGH THE APPROVAL PROCESS VIA THE MEDICAL RECORDS DEPARTMENT.</p>
<p>REPORT A PRIVACY BREACH</p> 	<p>PLEASE CONTACT THE OFFICE OF COMPLIANCE AND PRIVACY AFFAIRS IMMEDIATELY IF YOU SUSPECT A BREACH OF CONFIDENTIALITY.</p> <p>CONFIDENTIAL PRIVACY HOTLINE: (855) 729-6040 OR</p> <p>EMAIL: COMPLIANCE.PRIVACY@SFDPH.ORG</p>