

**Medical Practice Policy/Procedure
Privacy/Security of Patient Information**

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It has always been the policy of this medical practice to protect the privacy/confidentiality of every patient. The protection of patient information is not only a requirement under applicable laws, but is also an ethical and clinical obligation of every physician and employee of this medical practice. This medical practice will comply with all federal and state laws related to the privacy and security of patient information.

Every manager and supervisor is responsible for educating his/her staff regarding their responsibilities under this and related policies/procedures to ensure they are followed. Failure to adhere to these policies/procedures may result in disciplinary action, including termination. Any individual, who knowingly misuses confidential patient information for their personal gain, may be subject to criminal and/or civil liability.

All employees – including physicians – must recognize the special relationship of trust between us and patients and must maintain the privacy/confidentiality of all medical and personal information about our patients. Employees may use or disclose such patient information only as needed in the delivery of medical care, for designated administrative purposes, as required by law, and as required under approved research programs. Information may be disclosed subject to completion of a proper authorization signed by the patient (or their personal representative).

Any questions or concerns about whether information should be used or disclosed should be directed to supervisors or the Privacy Officer.

Information in a patient's medical records may be released only by those employees *authorized by the Privacy Officer* and in accordance with this policy/procedure.

Requests for medical records may come from a variety of sources and for a number of purposes. Records are often requested by health insurance companies, patients, other physicians, family members in the case of minors, attorneys, life and disability insurance companies, workers' compensation payers, employers, health facilities, and the like. Many requests are of a routine nature; but, it is essential that each request be reviewed carefully to ensure records are not disclosed improperly and any disclosure complies with our policy/procedures, state law, and federal law.

Any request for disclosure of patient information that is not familiar, or for which there is any question, should be referred to our Privacy Officer. Except in the case of an emergency, situations for which there is some question as to whether the disclosure is proper should be made only with a signed authorization from the patient (or their personal representative).

All authorizations – and other communications related to the use and disclosure of patient information – should be filed in that patient's chart in the section entitled *Patient Authorizations for Use/Disclosure of Information*.

The release of information for the purposes of **(1)** treatment (such as to consulting physicians); **(2)** payment (such as to health insurers); or **(3)** health operations (such as to transcription service, or for quality review) will be based upon the procedures detailed in Section B (beginning page 38) of this policy/procedure. **Section B is extremely important because it specifies how the vast majority of disclosures shall be made.** Employees involved in these type disclosures will be trained in detail by the Privacy Officer and their supervisors.

General Rules and Reminders

- Patient information of any nature is confidential. This includes information from or about medical records, test results, appointments, and referrals. Even a patient's presence at our medical practice offices should not be disclosed.
- Staff must not discuss patient information with anyone who is not involved in the patient's care and entitled to receive such information. Do not discuss patient information with your family members, friends, in a social conversations, etc. Such breaches of privacy/confidentiality may subject employees to disciplinary action, including termination.
- When in doubt, do not disclose patient information until you ask your supervisor or the Privacy Officer for clarification (emergency situations may be an exception).
- As a general rule, patient information may be disclosed when specifically authorized by the patient; when it is necessary for purposes of treatment, payment, or health operations, or when required by law. But there are rules that apply to each – Section B (beginning page 38) of this document addresses disclosure for purposes of treatment, payment and health operations; Section C (beginning page 41) addresses patient authorizations.
- Be aware of confidentiality when answering patient questions, providing test results, making appointments, making referrals, checking insurance eligibility, obtaining prior approvals, etc.
- As a general rule, an adult patient's information cannot be released to a patient's spouse or other family member without the patient's authorization. For example, if a patient's husband calls asking for the results of his wife's pregnancy test – or other test results – our policy is to tell them that "we are sorry, but we cannot release information without the *patient's* specific written authorization."
- Patient information regarding an *adult* child should not be disclosed to a parent without the patient's authorization.
- For minors, patient information cannot be released to third parties without the consent of the parent or the patient's legal guardian.

- Employees should not allow medical information on computer monitors to be visible to patients.
- Backups of computer files will be maintained by the Privacy Officer and one other designated individual in a fireproof safe.
- Do not disclose your passwords to anyone, including other employees. Passwords will be assigned by the Privacy Officer, changed at appropriate intervals, deleted when an employee leaves or is assigned to another position, reissued when there is a concern that passwords are not secure, etc.
- Keep patient charts, encounter forms, and other documents *face down*. Never leave such documents where unauthorized persons can see or take them.
- Use special receptacles marked *Patient Information to Be Shredded* when disposing of any written material that may contain protected patient information.
- Place medical records, test results, and other information in slots in exam room doors so that they face the door or wall.
- Speak softly to others in person or over the phone
- Try to avoid stating the patient's name whenever possible.
- Receptionists should change the sign-in sheet to a new page at least hourly.
- Do not allow or require patients to write the reason for the visit on sign-in sheets.
- The fact that an individual is a patient at this medical practice is confidential information.
- Whenever possible, speak to patients about their medical information in private offices and exam rooms.
- Do not discuss the patient's condition, reason for the visit, and the like in the waiting area or in front of those not involved in their care.
- When making an appointment, ask the patient where they may be reached to confirm the appointment, ask questions, or for other purposes.
- If you call the patient to confirm an appointment, provide test results, etc. and they are not available, simply leave a message stating for them to call you at 123-567-8988. If you get an answering machine (voice mail), simply leave a message with your name and phone number.
- Unless you are sure we have the patient's written permission to release information, do not do so.
- Unless you have the *need to know*, do not ask patients why they are here, what problems they are having, and the like.
- If you pull medical records, file information, etc., do not read any more information than necessary to complete the task at hand. For example, if you are asked to pull a patient's chart, you do not need any more information from the chart than the patient's name and medical record number. If you are asked to find certain information in the chart, do not read anymore information than necessary.
- Information about employees that receive care will be considered confidential just as if they were a patient who is not employed by this medical practice.
- When you see patients outside the office, do not ask specific questions from your knowledge of their patient information unless you can do so privately and it is appropriate.
- Patient information should never be discussed or otherwise provided in public or other areas where unauthorized persons could obtain protected information.