

**MHS Privacy**  
***Electronic Access to***  
***Protected Health Information***



*Protecting Patient  
Confidentiality*

*Integrity &*  
**COMPLIANCE**



The purpose of this module is to explain to all Mayo Clinic and Mayo Clinic Health System employees and credentialed non-Mayo and non-Mayo Clinic Health System staff the policy regarding electronic access to protected health information.





The privacy policy for electronic access to protected health information was revised and approved by the Board of Governors on January 12, 2009.

Mayo Clinic and Mayo Health System sites now have a consistent privacy policy for electronic access to patient medical information across all sites.





## Specific objectives include:

- Explain the Mayo and Mayo Clinic Health System Privacy Policy regarding electronic access to protected health information.
- Summarize the consequences for inappropriate access to patient medical information.
- Identify situations where electronic access to medical records is allowed – and where it is not allowed.



**Explain the Mayo and Mayo  
Clinic Health System  
Privacy Policy regarding  
electronic access to  
protected health  
information.**

# Mayo Clinic & Mayo Clinic Health System Privacy Policy

Effective January 12, 2009, Mayo has a consistent privacy policy across all Mayo Health System sites.

What you need to know about the revised policy:

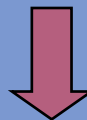
- Changes in the policy regarding electronic access to protected health information
- Responsibilities for everyone working at Mayo and Mayo Clinic Health System
- Responsibilities for those with access to electronic medical records
- Policy for access to personal medical records
- Policy for electronic access to family member medical records





## What's new in the revised policy?

This is a change in policy for Mayo Clinic Health System.



Electronic access to the medical records of minor children in your family is not allowed.

You do not need to sign an authorization for electronic access to your own medical record.

# Responsibilities for all Mayo and Mayo Clinic Health System employees



All Mayo and Mayo Clinic Health System staff share the responsibility of protecting and maintaining patient confidentiality.

This includes credentialed non-Mayo or non-Mayo Clinic Health System staff.

Anyone with access to protected health information (PHI) must comply with federal and state privacy laws, along with Mayo's Integrity Program, to protect PHI.





## Terms Everyone Should Know

**PHI** → **Protected health information (PHI)**

This is essentially any information concerning a patient.

- PHI is intended to be used in the course of treatment, for research, for education and for other institutional purposes by individuals within Mayo Clinic or Mayo Clinic Health System to perform their assigned duties.
- This includes all patient information that is created, collected or maintained by Mayo Clinic or Mayo Clinic Health System. Information may be gathered at the time of interview, examination, diagnosis, intervention or treatment of the patient.
- This includes x-rays, lab tests, physician notes, billing statements, and demographic data. This information is comprised of data in the institutional medical record, medical images, specimens marked with patient identifiers and other ancillary materials.



## Terms Everyone Should Know

**EMR** → **Electronic medical record (EMR)**

This includes all electronic systems containing protected health information (PHI)

- The primary EMR (Cerner Millennium) and PIE.
- Also includes other systems such as GE Centricity, MUSE, Misys, Horizon Practice Plus and Online, Series, Meditech, SIS, Standing Stone, Docsite, Midas, etc.
- Ancillary systems such as RIMS, MERGE, Q Reads, PACs, HealthQuest, appointment/scheduling information, etc.

# Appropriate Access to Patient Medical Records



**When functioning as a care provider.**



**When conducting approved research or “preparatory to research” reviews.**



**Includes bona fide educational purposes.**



**Includes many administrative activities.**

# Appropriate Access to Electronic Medical Records



**You may only access EMR information if required for your job or if you have written authorization on file.**



**Use only the minimum amount of patient health information necessary to meet the intended purpose.**

**The identity of everyone accessing the EMR is recorded, and access is monitored.**

# Policy for Access to Own Medical Records

If you have access to the EMR, then you may access your own medical record.

To electronically access your own record, you no longer need to complete an authorization.

You should use personal time to avoid disrupting work responsibilities.

Discuss your records, results, etc., with your health care provider.



**If you don't have access to EMR, contact *Health Information Management Release of Information Department* at your site to assist you with accessing your own medical record.**

# Access to Family Member Medical Records

Electronic access to an ADULT family member's medical record is ONLY permissible if there is an authorization signed by the patient, present in their medical record, authorizing *you* to access their information.





# Access to Family Member Medical Records

Please note:

It is NOT permissible for you to electronically access your MINOR child's medical record or PHI.

**Please contact your minor child's provider with any questions or concerns related to the care and treatment of your minor child.**

**To obtain copies of your minor child's medical record, please contact Health Information Management Release of Information at the site where care was provided.**



# Team Consultation

If you are asked by another health care provider to consult (even informally) on a test, image or interpretation of a test/image, then it is appropriate to electronically access the patient's medical record, whether you document that access or not.





## Check Your Understanding

### True or False?

You may electronically access an adult family member's medical information if written authorization is on record.



## Check Your Understanding

The correct answer is **True.**

You may electronically access an adult family member's medical information if written authorization is on record.



## Check Your Understanding

### True or False?

In order for a Mayo or Mayo Clinic Health System physician to discuss the medical care of a adult family member with you, you must have a signed authorization form or have the family member present.



## Check Your Understanding

**The correct answer is True.**

In order for a Mayo or Mayo Clinic Health System physician to discuss the medical care of a adult family member with you, you must have a signed authorization form or have the family member present.



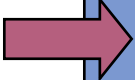


**Summarize the consequences for inappropriate electronic access to patient records.**

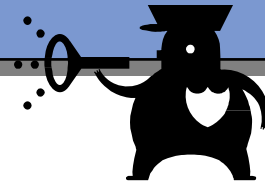
# Monitoring Access to Medical Records



Access to electronic medical records is monitored to detect inappropriate access to medical records.



Focused monitoring occurs in situations where an at-risk or high-profile patient is concerned.



**Reported allegations of inappropriate access are thoroughly investigated.**



# Privacy Breaches

Employees without access to electronic medical records also have a responsibility to protect the privacy of Mayo and Mayo Clinic Health System patients.

For example:



Do not repeat information you hear at work in non-work conversations.



Do not share that you saw someone at the hospital or clinic.

# What happens with a breach of confidentiality?



**When the cause is human error ...**

For example: If you mistakenly access a patient record or if you inadvertently leave printed medical record information in a public location.

**The consequence is generally education.**

**We all make mistakes.**

**Exit promptly if you accidentally access a medical record.**



# What happens with a breach of confidentiality?



## When the cause is at-risk behavior:

For example: If you access a minor child's test result, or if you access a family member's appointment information (without written authorization in the medical record).

The consequence is generally a written warning and/or suspension.

**Repeated access to any medical record, or in many situations, a single inappropriate access, may result in termination of employment.**



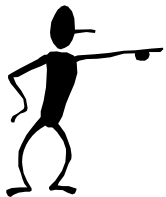
# What happens with a breach of confidentiality?



## When the cause is reckless behavior:

For example: If you access the record of a co-worker (and you are not the health care provider), or if you share in public that a person is a patient at Mayo or Mayo Clinic Health System.

**The consequence is generally termination of employment.**



**All Mayo and Mayo Clinic Health System patients are entitled to trust that the confidentiality of their medical records is protected ... including patients who are your family members.**



# Real breaches of confidentiality at Mayo Clinic & Mayo Clinic Health System

An incident of violence is covered in the news resulting in an individual being hospitalized at Mayo Clinic Health System. Employees not involved in the patient's direct care look for information in the medical record.

An employee looks up the medical information for people within her social network (e.g., neighbors, friends, real estate agent, etc.).

An employee attending a non-Mayo holiday party reveals in his conversations that he cared for community member.

Because a co-worker is out on medical leave, a fellow co-worker looks at the medical record to see how he is doing.

**It is a breach of patient confidentiality to access medical records if not required for your job (unless you have written authorization).**



## Check Your Understanding

If you electronically access an ADULT family member's appointment information without written authorization, the following consequence could occur:

- a. Education could be provided
- b. You could be suspended
- c. Your employment could be terminated
- d. b or c



## Check Your Understanding

If you electronically access an ADULT family member's appointment information without written authorization, the following consequence could occur:

- a. Education could be provided
- b. You could be suspended
- c. Your employment could be terminated
- d. b or c



## Check Your Understanding

If you electronically access your minor child's test result, the following consequence could occur:

- a. Education could be provided
- b. You could be suspended
- c. Your employment could be terminated
- d. b or c



## Check Your Understanding

If you electronically access your minor child's test result, the following consequence could occur:

- a. Education could be provided
- b. You could be suspended
- c. Your employment could be terminated
- d. b or c





## Check Your Understanding

If you openly discuss in public that a “famous” person is a patient at Mayo or Mayo Clinic Health System, the following consequence could occur:

- a. Nothing
- b. Education could be provided
- c. You could be suspended
- d. Your employment could be terminated



## Check Your Understanding

If you openly discuss in public that a “famous” person is a patient at Mayo or Mayo Clinic Health System, the following consequence could occur:

- a. Nothing
- b. Education could be provided
- c. You could be suspended
- d. Your employment could be terminated



## Check Your Understanding

**Yes or No ... Is this a breach of confidentiality?**

*For personal reasons, you check on your neighbor by looking at his medical record.*



## Check Your Understanding

**Yes**

**Yes or No...Is this is a breach of confidentiality?**

*For personal reasons, you check on your neighbor by looking at his medical record.*

**Yes** is the correct answer.



## Check Your Understanding

### Yes or No ... Is this a breach of confidentiality?

*A friend asks you if you know anything about a patient being treated at Mayo or Mayo Clinic Health System. You say that patient privacy prevents you from sharing that information.*



## Check Your Understanding

**No**

**Is this a breach of confidentiality?**

*A friend asks you if you know anything about a patient being treated at Mayo or Mayo Clinic Health System. You say that patient privacy prevents you from sharing that information.*

**No** is the correct answer.



## Check Your Understanding

**Yes or No ... Is this a breach of confidentiality?**

*A family member has signed an authorization and asks you to check on some labs. You look and tell him/her the results.*



## Check Your Understanding

**No**

**Is this is a breach of confidentiality?**

*A family member has signed an authorization and asks you to check on some labs. You look and tell him/her the results.*

**No** is the correct answer.





**Identify situations where electronic access to patient medical records is allowed – and where it is not.**

*What do you think?*

**What if ...**

**You are Mary's parent, and Mary is 17 years old. May you look at Mary's record to see if she is OK?**

## *What do you think?*

**Answer: No.** You may not electronically access Mary's medical record. You do not have an appropriate medical reason to access her electronic medical record. You should contact her doctor if you have questions about her care. Contact HIM Release of Information to obtain a copy or schedule an appointment to view the record.

**Corrective Action:** *Corrective action is warranted because this electronic access to Mary's record is for personal curiosity (even as her parent). Corrective action could include a final written warning, suspension (or equivalent) or termination of employment – regardless if you are a physician, nurse or health unit coordinator.*

## *What do you think?*

### *What if ...*

**You are Mary's cousin, and you heard from Mary that she is not taking all the medications ordered by her doctor because of the side effects. Is it OK to look at Mary's chart to check on the medications she should be taking?**

## *What do you think?*

**Answer:** No. This is a “personal” reason rather than a “professional” reason for accessing the record. This is not allowed under Mayo Clinic Health System policy.

**Corrective Action:** *Corrective action is warranted because this access is not required to perform professional duties. Corrective actions could result in either final written warning, suspension (or equivalent) or termination of employment.*

## *What do you think?*

### *What if . . .*

**Mary has been a close friend of yours for years, and you just heard from a neighbor that she was in a serious car accident last night and is in the intensive care unit. May you access her records to check her status?**

## *What do you think?*

**Answer: No.** This would be a personal, not professional reason, unless you are also her treating physician or have been asked to consult and are comfortable doing so under the circumstances.

**Corrective Action:** *This access could cause harm to the patient, Mayo or Mayo Clinic Health System. This type of curiosity access results in termination of employment.*

*What do you think?*

**What if ...**

**You are Mary, and you want to see the results of an important blood test. Is it appropriate for you to access your own medical record?**



## *What do you think?*

**Answer: Yes.** According to the policy, you are allowed to access your own medical record. However, you are encouraged to review all your medical information with your care provider.

**Corrective Action: None.** *This is permitted by policy, although it is important that our treating physicians interpret these results.*

*What do you think?*

**What if ...**

**A performer from a local music festival is hospitalized at Mayo Clinic Health System. May you access the performer's medical record to see how the performer is doing?**

## *What do you think?*

**Answer: No.** It would be inappropriate to access it.

**Corrective Action:** *This has the potential for major harm to the patient, Mayo Clinic Health System and Mayo's reputation. This would result in termination of employment. If the information was used to cause harm, appropriate criminal or professional sanctions may also be warranted.*



## Key Points to Remember

Mayo Clinic has a consistent privacy policy across all Mayo Health System sites.

- Access to electronic medical records of minor children is not allowed.
- Access to electronic medical records of adult family members is allowed if there is a signed authorization in the medical record.
- Access to your personal medical records is allowed if you have electronic access.



## Key Points to Remember

- Access to electronic medical records is permissible when required to perform your job.
- Use only the minimum amount of patient health information necessary to accomplish your professional responsibilities.
- The identity of everyone accessing the electronic medical records is recorded.
- Breaches of patient confidentiality may also put you at risk for sanctions from a professional board.

→ DON'T FORGET!

Breaches of patient confidentiality put Mayo and Mayo Clinic Health System's reputation for integrity and high professional standards at risk.

# Key Points to Remember

The Privacy Policy is neither complex nor unreasonable.

Ask yourself ...

*Are you accessing patient records for personal or professional reasons?*



→ DON'T FORGET!

## The reason is professional

if you are treating the patient as the direct medical provider, if you are consulting with another physician, if you are conducting research, if access is required for your job, if you have authorization from the patient.

## The reason is personal

if you have no direct connection with patient, if you are just curious, or if it is a matter of convenience for personal purposes.



## Key Points to Remember

- Corrective action is warranted when access is due to personal reasons alone (e.g., curiosity).
- Corrective actions can result in either a final written warning, suspension (or equivalent), or termination of employment.
- Reckless behavior that could cause harm to the patient, Mayo Clinic Health System or Mayo Clinic can result in termination of employment.

# **Applicable Mayo Clinic Health System Policies**

- **For policies and information regarding this and all privacy, security and HIPAA issues, go to the Information Security & Privacy home page on LEO under Home Pages, Others.**
- **You can find the new Mayo Clinic Privacy Policy – Electronic Access to Protected Health Information on the Compliance web page on LEO, under Privacy and Information Security.**





## For More Information

- Talk to your supervisor
- Call the Privacy Officer: 8-3221
- Call the Compliance Office: 8-6502
- Report using the Compliance Hotline: 1-888-721-5391
- Report using the internet: [www.MayoClinicComplianceReport.com](http://www.MayoClinicComplianceReport.com)
- Call the Legal Department: 8-6676



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