

The
**PRIVACY
QUARTERLY**



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Privacy Incident Reporting

1-800-362-2921

hotline.unchealthcare.org

Privacy Guidance

984-974-1069

Privacy@unchealth.unc.edu

My UNC Chart: Compliant Access to Medical Records of Friends, Relatives, and Coworkers



I want to access the medical records of someone I know. May I access their records in Epic if they verbally tell me I can? If not, is there any way that I can view their records?

This is an all too familiar story. A friend, relative, or coworker of a UNC Health Care System employee would like that employee to access the friend, relative, or coworker's medical records in Epic. For the UNCHCS workforce, there is never a time when it is appropriate to access medical records for non-business purposes. In other words, all accesses into the medical records in any UNCHCS system should always be for a business job-related purpose (meaning that you are accessing medical records in order to do your job). Accessing the medical records of a friend, coworker, or relative would not be considered an access for business purposes. In these instances, our [automated continuous monitoring audit tool](#) would alert us of this inappropriate access and the Privacy Office would commence an investigation.

There is, however, an alternative and permissible means to access another individual's medical records: [My UNC Chart](#).

My UNC Chart allows any user to name a "proxy" (any other individual the patient chooses) who is able to access that patient's records available in My UNC Chart. This is an excellent way to gain compliant access to the medical records of a friend, coworker, or family member. It is also a very simple process.

Please review a [handout](#) on the Privacy Office Intranet for instructions on establishing proxy access in My UNC Chart. A [best practices](#) [handout](#) is also available. Note that general [FAQs](#) regarding My UNC Chart are available on the UNC Medical Center Internet.

Given the many situations you, as an UNCHCS employee, may find yourself in where a patient has otherwise authorized you to view their records, the option to do so through My UNC Chart proxy access is a quick and compliant way to effectuate such access. Remember, accessing the medical records of any individual in a hospital system such as Epic requires a business purpose in order to properly access the records. UNC My Chart offers a convenient and easy way for patients to allow their UNCHCS employee friends, coworkers, and relatives a compliant way to access their records without running afoul of UNCHCS privacy policies.

Patient Information and Coworkers



As healthcare providers, UNC Health Care System (UNCHCS) employees have access to patients' most sensitive healthcare and demographic information. Many of us work with this data on a regular basis as part of our job responsibilities. When working with patient data, it is important to remember that this is protected health information (PHI) and not to lose sight of our responsibilities to the privacy and security of the information. Employees' access of PHI must be for a "business need to know" purpose and any disclosure of PHI must also meet this standard. There is a "business need to know" when information is needed to provide and/or support patient treatment activities, a healthcare operational activity, or an approved education activity. Please review the [Electronic Patient Information Access and Auditing of Access](#) policy for more details.

Not all UNCHCS employees, including coworkers in your department, have the same business need to know in every situation. PHI accessed and used by one employee is not automatically appropriate to share with other employees in the same department. Before disclosing any PHI to a coworker, consider whether that person has a business need to know the information. For instance, if your coworker is working closely with you on the same tasks or you need assistance to complete a job function, it is appropriate to share PHI with that person. However, it is not appropriate to disclose PHI to a coworker for purposes not related to completing a legitimate work-related task or if that person does not have a business need to know. Even when making disclosures of PHI to someone with a business need to know, it is important to follow the [Minimum Necessary](#) policy.

If you have any questions about what is appropriate to share with co-workers, please contact your manager or the Privacy Office at privacy@unhealth.unc.edu or 984-974-1069.

Do Not Take the Bait; the Internet is No Place for PHI... Regardless of the Review



We live in a world where online surveys and feedback not only drive our consumer purchases but also how we select service providers. Healthcare is no different – with hospital Facebook pages, Twitter accounts, and Healthgrades evaluation sites just to name a few. While these online resources can be helpful when looking for guidance, they can also be a trap for healthcare workers especially when patients' Protected Health Information (PHI) is involved.

On June 5, 2016, the Office of Civil Rights (OCR) received a [complaint](#) from a patient of Elite Dental Associates in Dallas, Texas ("Elite"), a privately owned dental practice that provides general, implant, and cosmetic dentistry services. The complaint alleged that Elite had responded to a social media review by disclosing the patient's last name and details of the patient's health condition. Following an investigation, OCR found that Elite had disclosed the PHI of multiple patients in response to patient reviews on the Elite Yelp review page. Additionally, Elite did not have a policy or procedure regarding disclosures of PHI to ensure that its social media interactions protect the PHI of its patients or a Notice of Privacy Practices that complied with the HIPAA Privacy Rule. To resolve these privacy violations, Elite agreed to pay a \$10,000 fine in addition to adopting a corrective action plan that includes two years of monitoring by OCR for compliance with the HIPAA Rules.

For more guidance surrounding UNCHCS' expectations of social media usage, please review our [Code of Conduct](#) policy (Appendix A, Code of Conduct Standard #7: Use Social Media and Technology Responsibly).

Patient Information in Google Chat



Our Privacy Office is currently investigating a department's use of Google Chat to communicate patient information for work-related purposes. The decision to use Google Chat for the transmission of PHI was well-intentioned. Employees in the department were looking for a quick way

to collaborate as they worked through problems that arose providing patient care. Unfortunately, despite good intentions, the release of PHI to Google is a violation of our Privacy and Information Security Policies and constitutes a breach of that information. We ask that any other departments who may be using Google Chat (or any external communication method) for work-related purposes discontinue the practice and contact the UNC HC Privacy Office immediately.

The UNC HC Privacy Office may be reached directly at 984-974-1069 or by email at privacy@unchealth.unc.edu.

The UNC Health Care System has tools in place that should meet your department's needs for communication. Please contact ISD for any questions related to secure communication of PHI.

Privacy Quiz

- 1) **You are about to leave for vacation. Your coworker asks for your log in and passwords for systems containing patient information because he will be performing some of your job responsibilities while you are away. What should you do?**
 - a. Give your coworker your password.
 - b. Do not give your password to your coworker.
- 2) **Your favorite patient is being discharged. To celebrate, you want to post a photo and tag the patient on social media. You have asked the patient for her permission and she has given you verbal approval. May you post the picture?**
 - a. No, you cannot post the photo. Written authorization is required.
 - b. It would be okay to post the photo but you should remove that tag.
 - c. The patient approved the picture and gave you permission to tag her in the post. That is all you need.
 - d. Of course. I post pictures with patients all the time. Why would it be a problem?
- 3) **A local celebrity just walked into the clinic. He is not your patient but you're dying to know what he is being seen for. Is it okay to pull up his record in Epic to see why he is in the clinic?**
 - a. I can't think of any reason why not.
 - b. I already did and have called everyone I know to tell them why he's being seen at my clinic.
 - c. I'd consider it. I may not be directly involved in his care but he's being seen in this clinic. That makes it work-related, right?
 - d. No. He's not your patient; it's not your business.
- 4) **What kind of protected health information does the HIPAA Privacy Rule protect?**
 - a. Paper
 - b. Electronic
 - c. Spoken
 - d. None of the above
 - e. All of the above

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unchcs.intranet.unchealthcare.org
/dept/ACP/privacy/](https://unchcs.intranet.unchealthcare.org/dept/ACP/privacy/)

Regulatory Lunch & Learn Series

Need more Compliance information? Please email compliance@unchealth.unc.edu to receive an invitation to the monthly Lunch & Learn regulatory update WebEx, held the third Monday of the month.

 **UNC**
HEALTH CARE



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- 5) **My spouse asked me to review some information in Epic for her. She would like me to see if some results have come in and to confirm the date and time of a future appointment. She is not one of my patients. May I get this information out of Epic using my employee credentials?**
- Yes. She gave authorization for me to access her medical record when she asked me to get the information.
 - I probably shouldn't because this is technically not part of my job. But, it will only take a moment and I am just trying to help a loved one get care. It will be okay if I do it just this once.
 - I can get her the appointment time but not the results. The appointment date and time can be found in the Appointment Desk for the patient (which is not part of the "chart") but the results are off limits.
 - No. It is a violation of our [Confidentiality Statement](#) and other UNCHCS privacy policies to access the records of friends or family members without a valid work related purpose. It doesn't matter where the information is located in Epic.

ANSWERS

Question 1: B – Do not give your password to your coworker. Members of the UNCHCS workforce who have been granted access to systems containing PHI are prohibited from disclosing their login information with others. Remember you are responsible for everything that happens under your user name. See the [Electronic Patient Information Access and Auditing of Access](#) policy for more information.

Question 2: A – Social Media posts must never violate patient privacy and confidentiality policies and laws. Do not post any information that directly or indirectly identifies a patient (including patient images and/or other details about treatment) without appropriate written patient authorization. Verbal authorization is not enough. Please review your entity's Social Media policy for more details.

Question 3: D – Do not access a patient's record unless you have a work-related purpose to do so. The mere presence of a patient in the department you work in does not give you a valid reason to access the medical record. You need a "business need to know" before you look up why a patient is being treated at your clinic.

Question 4: E – All of the above. Protected health information (PHI) is health data that has been created, received, stored or transmitted by a covered entity, such as any UNC Health Care, which "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" that identifies or can be used to identify the individual. This includes information transmitted or maintained in any form or medium. More information on PHI, including a list of 18 identifiers, can be found [here](#).

Question 5: D – All information about a patient that is maintained by UNCHCS in Epic is considered to be part of the medical record. This includes demographic information, appointment dates and times, and billing/payor information, in addition to the clinical data found in the "Chart Review" section of Epic. All access to this patient information must be supported by an authorized job responsibility.