



## HIPAA & Medical Staff Access Guidelines

The Eastern Wisconsin Division Privacy Office has compiled questions and answers regarding the appropriateness of practitioner access to patient information. Our goal with respect to HIPAA privacy regulations is to respect patient rights while providing the best patient care and outcomes possible. In coordination with Medical Executive Committee, please review the following information regarding access of patient information.

### **When is it okay to access an electronic medical record?**

- You may access a patient's medical record for direct treatment purposes or consult request.
- You may access under the direction of a Medical Staff Committee, i.e. Peer Review, Quality, and/or as appropriate under Medical Director contract (if applicable).

**If I receive an in-basket notice regarding a patient (i.e. cc'd on a report or result), open it, but then realize I am no longer involved in the patient's care, is this a HIPAA violation?** No, this is considered an incidental disclosure. However, we need to do our due diligence in order to remove your name as being associated to the patient so you do not continue to receive unnecessary notifications and patient information. You should notify Health Information Management (HIM) through in-basket message.

**If in the course of my job I notice a patient I had previously treated has returned to the hospital, may I look at the record?** If the purpose of accessing the record is to verify that you appropriately treated the patient (quality purpose) prior to their readmission and the readmission is within 30 days, you may access the record. If the time period has exceeded 30 days since discharge, access would be suspect for further determination of the need for access.

**If in the course of my job I notice a patient I am treating in the clinic has been admitted to the hospital, may I look at the record?** Yes; if you are actively seeing the patient in the clinic and are currently following the patient's care, access to the hospital record would be appropriate.

**If I ordered the transfer of a patient from one hospital to another, may I look at the record?** Yes, if the purpose of accessing the record is to verify that you appropriately treated the patient (quality purpose) during this course of care.

**If I become aware of an interesting case, may I access the patient's record?** This access would be inappropriate. You may ask the provider involved in the care to consider providing education to you or to the medical staff, however, patient identifiers should not be utilized.

**If I receive notification that a family or friend is in the hospital, is it okay to access the record?** If there is not direct treatment or job-related need for accessing the information, you may not access the patient information.

**What if a family or friend is asking me for my opinion on a hospitalized patient? Is it okay to access the record, then?** No; unless you have received an official consult or curbside consult from a provider treating the patient, there is no direct treatment or job-related need for accessing patient information. In order to review patient information so that you may provide your opinion to a family member or friend, contact Health Information Management (HIM). Health Information Management will obtain written patient authorization and they will establish a separate access code for you to review information within the HIM department.

**If I am asked to do an unofficial consult and there is no documentation in the record indicating that was requested, how will I know or recall that this is why I accessed the record if a post-discharge audit is conducted?** Currently, there is not a way to document this within Epic without becoming an official part of the Legal Health Record. If you are looking to ensure that a question will not be posed to you later regarding the access, request an official consult. If you prefer not to ask or perform an official consult, you will be responsible for providing rationale of access during an audit interview.

**May I access my own or my family members' records?** No; to obtain access to your medical record information or that of a family member, utilize MyPrevea or contact HIM to obtain authorization and records.

**May I look at the ED board before I leave for the day?** If you are on call and the purpose for access is to determine if you will be called back, then you may review the ED board. The board is the only access that can be made; further clicking into the record without a consult or curbside opinion requested by a treating provider is not appropriate. Another option would be to call the ED to inquire if your services will be needed before you leave the hospital.

**If I have concerns regarding the care of a patient, is it okay to look at their record?** If there is not a direct treatment relationship between you and the patient, do not access the record. Report the care concern to peer review by contacting Paula Sproat, Director, Medical Staff Services, at (920) 433-8508 or [Paula.Sproat@hshs.org](mailto:Paula.Sproat@hshs.org). To maintain peer review protection, files must stay confidential. This is why you may not get direct feedback on the outcome of the peer review actions.

**What happens when my access is audited?** If you have accessed a patient appropriately, nothing further will happen. You will not receive notification of the audit. However, if you have accessed a patient record and rationale cannot easily be determined, a call will be made to you from the HSHS-EWD Privacy Officer. The Privacy Officer will have a conversation with you to better understand why the access transpired. If the reason provided is reasonable and fits within HIPAA and WI state regulations, nothing further will happen. If there is reason to believe access was not reasonable or appropriate, the information will be referred to the Medical Executive Committee for review. Any further actions would be directed by the Medical Executive Committee in accordance with the Medical Staff Bylaws.

If you have additional questions, please contact Kerry Wolford, Privacy Officer, HSHS-EWD, at (920) 433-8513 or [Kerry.Wolford@hshs.org](mailto:Kerry.Wolford@hshs.org).



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