

COMPLIANCE ALERT

Medical Record Snooping or Unauthorized Access to Records

Medical Record Snooping

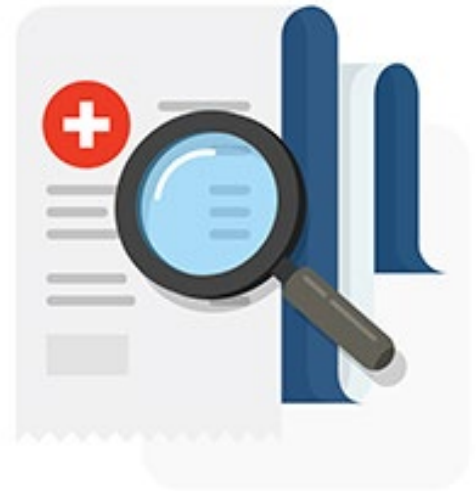
As a HIPAA-covered entity, Hendrick is required by federal law to deter inappropriate access, use or disclosure of protected health information and report to patients if an employee or provider accessed their chart without authorization or a work-related reason.

What is medical record snooping?

Medical record snooping occurs when an employee or medical staff member *intentionally* and *inappropriately* accesses protected health information (PHI) or other parts of the electronic medical record for a *non-work-related reason*.

Examples of medical record snooping

- If you see that a neighbor has come to the clinic, and you access that person's record to learn the reason for the visit, this is considered "unauthorized access" or "snooping."
- If you are accessing medical records, or demographics of family members, friends, co-workers, a celebrity, politician or other public figure without a work-related reason, this is considered medical record snooping.
- A medical staff member accessing patient records without being involved in the patient's care and treatment, this is considered medical record snooping.
- If you are accessing the ED Whiteboard without a work-related reason, this is considered medical record snooping.



How will Hendrick know if someone is snooping?

The Organizational Integrity department uses a program called **MAIZE** to routinely audit Athena and Apollo records to determine if employees or medical staff members are involved in medical record snooping activity.

What are the consequences of snooping?

An employee who willingly and egregiously participates in medical record snooping activity could be **TERMINATED**.

If clinicians, physicians and employees do not have a work-related reason to look in the patient's medical record, this violates Hendrick's Privacy Policy and is considered a **HIPAA Violation**.

The Compliance and Integrity department must notify all patients and the Office of Civil Rights (OCR) if PHI is accessed without patient's authorization or permission. Unauthorized access to PHI is logged in a centralized database and if requested, the name of who accessed the information must be provided to the patient.

Can an employee access their own medical record?

An employee cannot access their own medical record using the Athena or Apollo Electronic Medical Record (EMR) systems. Hendrick must protect the integrity and accuracy of the medical record. **If access to health information is required, you should notify the Medical Records department or access the information via the patient portal.**

What if someone gives me permission to look at their record? Employees may not access the medical record of family members, friends, co-workers or anyone else for personal or non-work-related purposes, even if the patient has given written or verbal authorization. **If access to health information is required, you should notify the Medical Records department or access the information via the patient portal.**

What if my child or parent is a patient here?

Before any patient information can be disclosed, Hendrick must first confirm that you're allowed to access the patient's information. Once confirmed, you can obtain copies of your child's or parent's medical records by visiting the Medical Records department or by using the *patient portal to access the information*.

You MAY NOT access your "child" or "parent's" information directly from the Apollo or Athena Electronic Medical Record System.

What if I am involved in a family member's or acquaintance's treatment, billing or other activity?

If your job requires you to access a family member's or acquaintance's medical or billing information, immediately notify your supervisor and the Compliance and Integrity department to let them know you have a work-related reason to access the medical record. **This "Self-Disclosure" will prompt an appropriate access notation to be entered in the MAIZE monitoring system.**

How can I prevent medical record snooping from occurring?

To help maintain patient privacy and confidentiality, follow these guidelines:

- *Access patient medical records only when it is needed for your job.*
- *Do not access medical records of co-workers, friends, other physician's patients, family members or celebrities unless for a work-related reason.*
- *Access, use and disclose only the minimum protected health information needed to get the job done.*
- *When you step away from your workstation you should always lock your computer screen or log off to prevent unauthorized accesses that could occur under your credentials. Remember this helpful phrase, "Lock before you walk!"*
- *If you inadvertently access a family member, your own medical record, a colleague or a close acquaintance, please notify your supervisor and the Compliance Department immediately.*

OCR federal enforcement action for snooping

Throughout the years, several healthcare organizations have received penalties because of inappropriate actions made by their own workforce.

Examples of Workforce Snooping Violations Reported to the Office of Civil Rights in 2020:

1. Doctor accessed medical records without authorization AND gave some of that PHI to an ATTORNEY!
2. Notification of breach was provided to 1,300 patients after a former nurse viewed their medical records without authorization for more than 15 months.
3. A former employee accessed a patient's PHI without a legitimate work reason for eight months.

If you have any doubts or concerns about whether to access a patient's medical record, or if you have other privacy-related questions, please contact the Hendrick Compliance and Integrity department at 325-670-3028.