

Title: Personal Health Information – Security, Privacy & Confidentiality		No.: GME-226
Effective Date: 7/1/2009	Revision Date: 6/1/2010	Distribution: All
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Policy Statement

PURPOSE and SCOPE

Security, Privacy and Confidentiality of Personal Health Information

The information collected from and about a patient is very sensitive. It is used to care for the patient and should be shared only with those involved in the patient care. Unauthorized access, use, or disclosure of patient medical records can violate Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and other federal and state laws, all of which contain accompanying legal sanctions and penalties, in addition to being unprofessional conduct. Physicians in training (fellows and residents) have access to medical records of patients, which may include other USF healthcare providers and trainees, family members, and celebrities, who require personal health treatment services from USF providers and within USF affiliated facilities. It is unavoidable that individuals will have the ability but not the right to access records of patients who require treatment services from USF providers and within USF affiliated hospitals with whom they may not have a treatment relationship. Therefore, it is essential that all members of the College of Medicine, including residents and fellows, accept the personal and professional responsibility that accompanies the right to access medical records.

POLICY STATEMENT

HIPAA provides for federal patient privacy and security rules. House staff should be familiar with these rules and policies regarding patient confidentiality, privacy and security. Patients who require treatment services from USF providers and within USF affiliated hospitals have a right to keep health care information about themselves from being inappropriately accessed, used or disclosed. The only exceptions to this rule are when the patient consents to or authorizes release of the information or when a law or regulation requires or authorizes use or disclosure. In addition, certain laws require additional security for extremely sensitive records, including but not limited to those relating to alcohol or substance abuse, mental health treatment and human immunodeficiency virus. Residents and fellows are expected to be familiar with HIPAA, and other federal and state laws and regulations, and these policies concerning patient confidentiality, privacy and security.

Any intentional or unintentional, unauthorized access, use or disclosure of protected health information of any patient, including any patient employed by or a student of USF, by a USF resident or fellow, a family member of a USF resident, fellow, student or employee, or a celebrity violates this policy and is inconsistent with professional responsibility. Any unauthorized access, use or disclosure, if substantiated, will not be tolerated by the College of Medicine or the Office of Graduate Medical Education. Individuals who violate the security,

privacy and confidentiality of medical information will be subject to disciplinary action, up to and including the possibility of immediate and summary dismissal.

Residents and fellows who have violated this policy or are aware of any violations of this policy by other individual have an obligation to report such violations to the USF Office of Professional Integrity at (813) 974-2222 and the Director of USF Health Information Security Office at (813) 974-6288.

Procedure

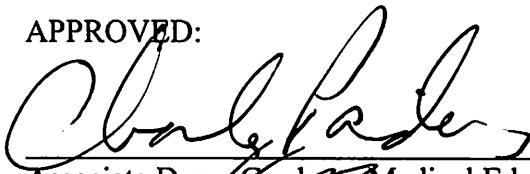
Responsible Party

Action

Associate Dean, GME


Upon notification to the Office of Graduate Medical Education of a suspected or presumed unauthorized attempt to or actual access, use or disclosure of medical records by a USF resident or fellow, the Associate Dean of GME will notify the USF Office of Professional Integrity at (813) 974-2222 and the Director of USF Health Information Security Office at (813) 974-6288 . Individuals who violate this policy may be subject to disciplinary action, up to and including termination. If there is substantive evidence to suggest that the resident/fellow did intentionally and inappropriately attempt to or actually access, use or disclose or assist others to attempt to or to actually access, use or disclose the medical record of a patient in violation of this policy and/or state and federal laws and regulations, such resident/fellow will be suspended from duty without compensation, in accordance with GME policy 218 and pending a formal investigation. The resident/fellow may be terminated for cause, without probation or suspension. The resident/fellow is allowed to appeal this decision using the regular appeals mechanism, but will continue in a status of suspension without compensation until the appeal is resolved.

APPROVED:


Associate Dean, Graduate Medical Education

6/16/10

Date


Dean, College of Medicine

6/21/10

Date