



# Be a HIPAA Hero.

**Curiosity is NEVER a Good Reason to View a Patient's Record.**

**I heard from a friend that my neighbor went to the Emergency Room complaining of chest pain. I'm concerned and want to make sure he's alright. Is it OK for me to look up his record in PowerChart?**

It is a HIPAA privacy violation to access any chart out of curiosity or concern without a job-related need to know. This means you must not open any chart of any relative, friend, child, neighbor, co-worker, or even your spouse, even though you may be very curious or very concerned. Instead, call the patient, patient's family, or ask to speak to the patient's nurse. Unfortunately, if you open a chart out of curiosity, and that record contains highly personal behavioral health information, the disciplinary action is termination. The records of all must be strictly protected.

**My sister called to let me know she was on the way into the hospital to deliver her baby. Is it OK to check PowerChart to see if she's delivered the baby?**

No. Unless you have a job-related need to know, you may not access a patient's chart out of curiosity or concern. If you are cited for a possible HIPAA privacy violation, curiosity is NEVER an acceptable reason. You always need to take curiosity out of the equation when deciding if it's appropriate to view a patient's record. Since Maternity generally does not opt out patients, you may call Maternity and ask for an update.

**Who's Listening?**

**Can I leave a reminder of an upcoming appointment on a patient's voicemail?**

Yes, if information left is minimal and does not contain personal, detailed health information. For example, it is OK to say "This is Dr. Smith's office calling to remind you of your appointment on Tuesday at 3 pm."

No, if information is sensitive, detailed, or if patient has already indicated that she/he does not want any information left on answering machine. Example: "This is the lab calling to tell you the test for herpes was positive, and you are pregnant. Your next appointment at the clinic is Tuesday at 3 pm."

**Put Yourself in the Patient's Shoes.**

**Yesterday, I saw Patient A in my office. Today, her sister, Patient B, came in for an appointment. Is it OK to mention Patient A to Patient B?**

No. Never mention another patient, even if it's just "Patient A was in yesterday." Patient A may not want others to know she visited her physician. The HIPAA and Munson policy definition of "Protected Health Information" includes the very fact that a patient was treated or present.

**Who Gets What?**

**What can I say when the Disability Office calls regarding a patient?**

Ask the Disability Office to fax their request for information on agency letterhead. Ask if a signed release of information has been obtained and if so, have them fax a copy for your own records. If no release has been signed, arrange to obtain a signed release from the patient, or, obtain verbal permission from the patient and document this permission, date, and reason for disclosure in the patient's chart.

**What can I tell someone who has the Power of Attorney (POA) over a patient?**

First, the POA paperwork must be in the patient chart, validated, and signed, and must be carefully read to see what it is authorizing. Many POAs are for financial issues only, or, become active only when a patient becomes incompetent to make choices. Only guardians (not Power of Attorney) have the right to a patient's chart and personal health information (PHI). Guardians are appointed when a patient is deemed to be legally incompetent. Only a judge can appoint a guardian, and the paperwork must be in chart.

**It's People. Not Paper.**

**What should I do when I receive a fax that includes patient health information that was intended for another office, but was faxed to my office by mistake?**

Call the office that sent the fax to let them know it went to the wrong recipient and then shred the fax.