



## Privacy Matters: What to Do in Event of a Breach

It's a healthcare nightmare: A trusted staff member accesses and reads through a relative's confidential medical records. The reason? Concern. The outcome? Disciplinary consequences regarding employment, and in the worst case scenario, possibly fines and criminal charges with jail time. Your practice must demonstrate via formal risk assessment whether or not the information has been compromised.

But in between discovery and punishment lies potential confusion for office managers as they decide how to proceed. Office managers are in the unique position to not only judge whether a patient's privacy has been breached, but must also take careful steps to ensure the breach is thoroughly investigated, documented, and reported. All remedial action steps should be designed to prevent reoccurrence and to demonstrate appropriate sanctions to employee. Since access to Munson systems is conditional, any inappropriate use could jeopardize continued access, with entire offices potentially losing access if breaches are not addressed adequately.

For managers using Munson software or systems, here is a step-by-step guide for what to do when a privacy breach occurs. The guide is meant to be a tool for office managers during a stressful and potentially confusing time.

- For breaches affecting more than 25 people, please notify Munson's Privacy Officer or Munson's Security Officer so that we may coordinate the risk assessment.
- Document patient name, complainant name (if different), date you became aware of privacy issue, description of information allegedly disclosed, and to whom. Assess risk of potential for emotional, financial, legal, or reputational harm to patient or your practice as result of the privacy breach. *See Breach Documentation Checklist.*
- Assure complainant that: 1) You and your practice take privacy very seriously; 2) you will investigate all allegations of complaints; and 3) you will follow up with the complainant.
- Inform your physicians of the complaint immediately, and involve practice leadership in all aspects of investigation and determination of disciplinary consequences. Review your practice's policies for guidance. Involve Human Resources, if applicable.
- Interview witnesses and patient to gather information about the incident. Sort out contradictions and assess accuracy of reports given.
- Meet with employee and employee's manager (or physician administrator) and ask about the privacy complaint. Share the audit of inappropriate access with employee and ask for an explanation. Why were they in the chart without a job-related need to know?
- Munson's Privacy Officer is available to discuss complex cases and/or larger scale breaches, and investigative approaches.

Please note: All physician and practice staff privacy breaches are reviewed by Munson's Physician Security Review Committee and Munson's Medical Executive Committee.