

HIPAA Frequently Asked Questions

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1. Can patients sue healthcare providers for not complying with the HIPAA Privacy Regulations?

The HIPAA Privacy Regulation does not give people the right to sue. The patient does have the right to file a complaint with the Office of Civil Rights (OCR) who has been delegated by the Department of Health & Human Services (DHHS).

The OCR then makes a determination of the need to investigate the complaint. If the complaint is determined to have merit DHHS has the authority to impose civil and monetary fines on organizations, or to impose criminal sanctions if applicable.

However patients do have the right to bring civil actions under State law, and HIPAA establishes a "community standard" for protecting patient information.

2. Is it legal/appropriate for me to access my own records in our hospital computer systems? It is usually quicker and more efficient if I do it myself

Obviously as a patient you have the right to request access to your record and to obtain a copy of it. However, the proper channel for requesting to review or obtain a copy of your record is through the Medical Records department, just as for all other patients. The access levels that you have to our computer systems is for your work related activities. As well, not all of your medical information is electronic (at least not at the moment) and there may be additional information in your paper record that is not online.

Other patients and other staff do not have the same level of access as well, and other staff have to go to medical records to obtain their information.

Lab and radiology test results should be communicated to you by your physician and the interpretation of the results is his/her responsibility as well.

3. My boyfriend is also a patient here. With his knowledge and verbal authorization, may I access his information? Or do I need written authorization to do so? If so, will an informed letter suffice? Is there an official form?

If it is not part of your job responsibilities to provide information or copies of records to patients, you should not be doing so for your boyfriend or other friends or family either. The appropriate way for your boyfriend to obtain information is through Medical Records. Also often people do not remember granting verbal permission to others to access their information.

If it is part of your job duties, then your boyfriend should sign a written authorization for this access. The official authorization form is available on the UC Irvine Compliance Website under HIPAA.

4. Is it a violation to look up the records of my coworker or family member who has been admitted to the hospital?

Yes it is a violation of HIPAA to access information on friends, colleagues, etc. who have been admitted to the hospital unless you are directly involved in providing treatment to the patient and/or as part of your job responsibilities. Electronic accesses to patient information is tracked and any accesses to patient information that is not related to one's job responsibilities can result in disciplinary action up to and including termination.

5. I have access to the computer system to schedule patient appointments. Is it appropriate for me to schedule an appointment for myself in the system?

You should also not be scheduling appointments for yourself or your family members. This would take advantage of your job position that other patients do not have. Just as you expect the hospital to separate out its role as your employer from its role as your health care provider and respect your privacy as a patient, you also need to respect the responsibility you have as an employee from those of a patient. You should access and request an appointment as would any other patient.

6. Where can I obtain a copy of the "official" form to authorize release of records?

The official UC Irvine Authorization for Release of Health Information is available and downloadable from the Compliance website under HIPAA.

7. Often "family members" will ask staff in the hospital if a particular patient is present in the hospital. How should these requests be handled?

Unless the patient is currently on your unit, the family member should be directed to the Security/Patient Relations who have the most recent updated information on patients who have opted out of being listed in the facility directory, and for whom we cannot provide any information.

8. Is it appropriate to use text messaging on cellular phones to relay patient data between caregivers (e.g. nurse to physician)?

No. Unless the sending and receiving phones have encryption capabilities, the data are open to interception, corruption and inappropriate disclosure. All communications of PHI, whether electronic or non-electronic must be secure while in transit and at both the sending and receiving ends. At the very least, you must encrypt PHI transmitted over an open network such as the Internet or non-secure wireless connection. This also holds true with respect to text messaging with cellular phones.

9. Can we use patient names in the pages between staff?

No, the paging system is not encrypted and messages are not secure. Use the minimum amount of information necessary when paging.

For example, to page a physician with a patient's critical lab values, page message should read "Have critical lab value for you. Please call xxx-xxxx"

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