

Accessing PHI?
What you should know about
.....FairWarning[®]
Patient Privacy Monitoring System

Overview

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- What is FairWarning®?
- Why do we audit?
- Audit examples
- What is the process?
- Defining a “business or clinical need.”
- Accessing PHI appropriately
- How do I access medical records?
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What is Protected Health Information (PHI)?

PHI is the information protected under the HIPAA regulation.

PHI is: Identifiable healthcare information related to the past, present, or future physical or mental condition of a person.

Examples of PHI include:

Any identifying information such as:

- Name
- Social Security Number
- Drivers License number
- Health insurance ID number
- Date of birth
- Full face photo

In combination with:

- Treatment
- Lab results
- Diagnosis
- Medications
- Billing details
- Clinical trial data etc. (the individual's healthcare-related information)

The full definition of PHI is available on the OHPS website at:

<http://www.privacyoffice.med.miami.edu/awareness/tips/what-is-phi>

What is FairWarning[®] ?

FairWarning[®] is software that facilitates the automated monitoring of access to various IT systems that house PHI (i.e.UChart, Meditech, etc.).



Why Do We Audit



Review of user access logs are required by HIPAA to protect the privacy of patient information and to detect any unauthorized access, use or disclosure.

FairWarning *automates* the audits and identifies potentially inappropriate access behavior.

- Conducting access audits is a way to monitor the access of our employees to the systems housing PHI.
- OHPS conducts access audits both proactively as well as in response to complaints.
- This software increases the ability to proactively monitor our systems.

Audit Examples

The following are examples of audits:

- Users accessing medical records of family members
- Users accessing medical records of co-workers
- Users accessing medical records of VIPs
- Users accessing medical records of neighbors
- Users accessing or printing abnormally large numbers of records over a period of time

The following are examples of information being reviewed:

- User Name
- Module/Function
- Patient Name
- Time and Date of Access
- Activity Performed

What is the Process?

- The system generates an alert.
- The alert will be reviewed.
- Additional follow-up may be necessary to determine if the access was actually inappropriate (for a NON business or clinical purpose)
- If an access appears to have been inappropriate (i.e., no apparent business or clinical reason), then further investigation may include the following:
 - **MEMO:** A memo may be sent to your supervisor requesting validation of the purpose of the access to a particular patient account/information
 - **INTERVIEW:** Human resources/Faculty Affairs in conjunction with the Office of HIPAA Privacy and Security, may conduct an interview with the employee to obtain additional information.
 - **SANCTION:** If warranted, disciplinary guidelines will be followed based on the level of violation (see Disciplinary Guidelines for HIPAA Issues)

What is meant by “a business or clinical need?”

Apply this analytical test.....to determine.....

Ask yourself the following questions:

1. Is access to this record or this information required by my job?
2. Is this access necessary for Treatment, Payment or Health Care Operations?

If unsure, ask your supervisor.

If Your Job Requires You To....

- Update a patient's demographic information
- Follow up on a claim submission or statement
- Document a patient's vital signs or medication
- Change the patient's insurance information
- Append an operative note to a claim that has already been submitted

-If the answer is **YES**

Then **YES**.....Access is required or permitted for work-related purposes (i.e. a business or clinical need).

What About Accessing PHI for Personal Use?

- Your co-worker's had a procedure and you wanted to know the details.
- Your co-worker's birthday is coming up but you can't remember the exact date and want to send out a card.
- You need the new address of your ex-spouse to give to your attorney.
- You heard that Mr. Celebrity from your favorite show was seen at UHealth. You wonder what he came in for.
- Your aunt has an appointment and you want to know the doctor she is seeing and the reason.
- You are curious to see if your sister's surgery charge got resubmitted.

Access is **NOT** permitted for such purposes.

If you are unsure
of the answer to any question



ASK

your supervisor
before you access the information.

Inappropriate Access is
NOT
permissible & will be investigated.



How do I obtain Access to my OWN medical record or those of my family members?

If you need access to your medical information:

- Access your information or your child's information (Proxy access) through MYUHealthChart (contact the UChart Help Desk askmyuhealthchart@med.miami.edu).
- Contact the Health Information Integrity (Medical Records) office of the department or facility and complete the request for access form to obtain your records.

If you need access to your adult family member's information:

- Family members need to authorize your access to their health information.
- This requires completion of the Attachment 46, Third Party Authorization form.
- Access your information or your child's information (Proxy access) through MYUHealthChart (contact the UChart Help Desk askmyuhealthchart@med.miami.edu).

Best Practices.....

1. Do not mistake the EMR for a telephone directory.
2. Because you can...does not mean you should.
3. **NEVER** share your passwords or allow someone to use your access.
4. If you access a record or screen by mistake, exit out immediately, and continue with your work.
5. Log out of your computer or lock your desktop when you leave your workstation.
6. Do not let the fear of an “audit” hinder your job performance.
8. If in doubt...**ASK your supervisor!**

Resources

- ❑ Your supervisor or department administrator
- ❑ Office of HIPAA Privacy & Security (OHPS)
 - ❑ Email: privacy@med.miami.edu
 - ❑ Phone: 305-243-5000

Always Remember to Ask yourself...

1. Is access to this record or this information required by my job?
2. Is this access necessary for Treatment, Payment or Health Care Operations?