

Accessing Patient Electronic Records

Larry Lookup, RN, works on a busy general Medical unit as an inpatient RN in ABC hospital. He also has experience working in the Emergency Department at another hospital prior to his employment at ABC. Larry has a personal interest in the care and treatment of cancer patients, because a close family member is a recent cancer survivor.

In order to do his job on the Medical unit, Larry is authorized to access the patient information system. He accesses this system to document care, lookup lab and diagnostic testing results, and act on physician orders. On occasion he is assigned charge RN duties, which includes assigning other RNs and staff, specific patient assignments and admissions to the unit. He is also floated to other units when necessary. He is very interested in working with oncology patients when floated to the oncology unit and is considering applying for a transfer to work there permanently.

Once in a while, when his direct patient care obligations are met, he accesses the patient information system to review the oncology unit's patients. After all, he does float there on occasion and he is considering requesting a transfer. He also knows that sometimes patients with cancer diagnoses can be admitted to the surgical unit so he accesses these patients to find oncology patients that have been admitted to review their surgery and post operative course for his own education. When he works on the oncology unit, he has found it helpful to track a particular oncology patient's progress by checking the ED census in the system, to see if any of the patients he has previously taken care of have been admitted through the ED recently.

Is Larry's access to patients admitted to the oncology unit, surgical unit, and ED considered a breach of patient privacy under HIPAA?

Answer:

Yes, all of Larry's access to patients that he is not caring for at the time of the access are considered breaches under HIPAA. Only when Larry is directly caring for patients he may access their information in order to care for them. When Larry is acting as the Charge RN, if he must access a given patient in order to assign proper care, or to carry out other Charge duties where a legitimate work-related need to know is necessary, he may access the patient. ABC Hospital has a responsibility to protect patient medical records from any access that is not required for individuals to carry out their job responsibilities. Because Larry is not caring for the patients he is accessing, and in some cases has never cared for them, he has no job related need to access their medical information. Even though he doesn't share the information on the patients he has accessed with anyone, he has personally compromised their PHI, thereby meeting the breach threshold under HIPAA.