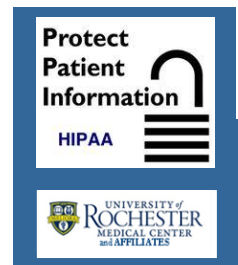


HIPAA HIGHLIGHTS

June 2023



Rules on Accessing Medical Records

Snooping in the medical record of family, friends, neighbors, co-workers, and celebrities is one of the most common HIPAA violations committed by employees. These violations can result in termination of employment but could also result in criminal charges for the employee. Accessing patient medical records for reasons other than those permitted by the Privacy Rule is a violation of patient privacy. Employees should only be accessing patient records if they have a **job-related reason**. Employees should not be accessing their own records either. They should use their MyChart / patient portal account. Even if a friend or relative gives an employee permission to look in their record, it is not ok. [MyChart proxy](#) access (or other patient portal proxy access) should be obtained to view the record. Below is some guidance to help in certain situations.

Can I Access My Own Records? Only through your MyChart / patient portal account, NOT through your electronic medical record employee log-in.

Can I Access the Medical Record of a Family Member? Generally, no. If the family member would like you to have access to their records, they can make you a proxy in order to access their medical record through MyChart or another patient portal. If there is a time where you are the only employee working and need to access the record for a business reason and you cannot ask a co-worker or Manager to assist the patient, access is acceptable. The minimum necessary information should be viewed in order to do what is needed for that patient for that visit. If possible, you should ask a co-worker or Manager to take care of the patient.

Can I Access the Medical Record of My Co-worker, Neighbor or Friend? Generally, no. If someone you know would like you to have access to their records, they can make you a proxy in order to access their medical record through MyChart or another patient portal. If there is a time where you are the only employee working and need to access the record for a business reason and you cannot ask a co-worker or Manager to assist the patient, access is acceptable. The minimum necessary information should be viewed in order to do what is needed for that patient for that visit. If possible, you should ask a co-worker or Manager to take care of the patient.

If you want to look at someone's record who may be an acquaintance or person of interest and you do not have a business reason to do so, this is snooping and it violates the HIPAA Privacy Laws. Our Protenus chart auditing software is very sophisticated, so think twice before letting your curiosity take over!

There are different sanctions that could be imposed depending on the incident. Please refer to HIPAA Privacy Policy OP5 Sanctions. Sanctions can include a letter of expectation, re-education, a written warning, a final written warning and even termination, licensure or legal consequences.

For additional information on any HIPAA-related topics, please refer to the URMS intranet site at <http://sites.mc.rochester.edu/departments/hipaa/>. For any questions regarding HIPAA, please contact your [Privacy Officer](#) or [HIPAA Security Official](#).