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Monitoring Employee Access Within Epic

UNC Health Care Privacy Office

March 2018

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Objectives

1. Inform employees of the new access monitoring tool, Protenus.
2. Understand your responsibilities to access protected health information (PHI) only for work-related purposes.
3. Examples of when you can and cannot access a patient's medical record.
4. Understand the importance of immediately reporting privacy concerns to the Privacy Office.
5. Identify additional resources offered by the UNC Health Care Privacy Office.

Auditing Tool Will Ensure That Employees are Accessing PHI in EPIC for Appropriate Purposes Only

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There are currently 43,000+ users who have access to the UNCHCS Epic system

- Many are internal (over 28,000 health care system employees)
- Others include University School of Medicine staff, external community treatment partners, and related business partners

Why is the Privacy Office Monitoring User Access in Epic?

- Hundreds of violations at UNCHCS have occurred in the last couple of years
- Violations almost always require that written breach notification be sent to affected individuals and the U.S. HHS, Office for Civil Rights
- Monitoring and Auditing electronic health record access is required by federal law
- Patients are entitled to the privacy of their medical information

The Privacy Office is adopting a user monitoring program

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What Types of Employee Access Will be Audited in Epic?

The auditing tool ("Protenus") will use advanced algorithms to analyze user access into patient records in Epic. Audits will be continuously run and will automatically identify any access made for an inappropriate purpose.

The following are some of the types of audits that will be performed by Protenus

Coworker: access of a co-worker's record (without a business reason)

Family Member: access by employees to records of family members

High-Profile Patient: access of VIP patients, public figures, athletes, and celebrities

Neighbors: access by employee who lives very close to patient (same address or building)

Repeat Offenders: monitor activity of employees who have violated patient privacy previously

Random: monitor accesses on a random basis

Suspicious Activity: access that does not fit a user's work flow pattern

When Can I Access Patient Information in Epic?

UNCHCS employees can access patient information for any purpose as long as there is a business-need-to-know.

Some examples of appropriate business-need-to-know purposes include the following:

- **Treatment.** You are accessing a patient's record for a treatment-related purpose. This means that you have a business purpose relating to the treatment of this patient.
- **Health Care Operations.** You are performing a business function as part of your job that requires access to patient information, such as: legal, audit, compliance, business analytics, quality improvement, quality assessment, or some similar business activity.
- **Education.** You supervise UNC Medical students or residents and it is your job to identify patient cases for review by your students.
- **Research.** You have an IRB-approved study and your approved study protocol specifically permits you to use/access this patient information.

It is Every UNCHCS Employee's Responsibility to Access PHI only for Business-Related Purposes

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Role	Acceptable Access	Unacceptable Access
Physicians & UNCHCS Staff	• Treatment • Research (IRB) • Quality improvement • Education • Health Care Operations (legal, audit, compliance, business analysis)	**Key Question** to remember when accessing a patient's record: *Is there a business-need-to-know that supports your access?* If there is no business need to know supporting your access – then do NOT access the record. Examples of access into patient records that may not be supported by a business-need-to-know: • Family, friends or neighbor • Coworker • High-profile patient
Administrative Roles (Compliance, EADS, ISD, Audit, Leadership, etc.)	Operational functions • Oversight of care • Quality improvement • Analytics • Health Care Operations (legal, audit, compliance, business analysis)	

Examples of when you Can and Cannot Access a Patient's Medical Record

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1. **I am a Labor & Delivery nurse. Last night I assisted a mother with a difficult pregnancy before my shift ended. I'm back in the hospital today and want to see if the patients are OK. May I check on them within Epic?**

   Yes, following up on a patient the next day is reasonable. However, checking back on a patient years after the end of the treatment event is not ok.

2. **I am providing care to a patient and when I went into their record I saw that they had requested Break The Glass protections. May I still access the account?**

   Yes, as long as the purpose of your access is in furtherance of treatment or another appropriate business purpose.

3. **I am a nurse manager of an inpatient unit. I often review the emergency room census to identify potential patients that are likely coming to our unit so that I can adjust staffing to fit our needs. Is this OK?**

   Yes, this should only be performed by an "authorized" member of your work area on the unit. Not all employees have staffing responsibilities and, therefore, should not be reviewing other department's patients without a business reason to know the information.

FAQs, Continued

4. **I work in Registration. May I access my spouse's account before his appointment to ensure his demographic and insurance information are correct?**

   No, in that moment you are acting as a family member and not as an employee. Please have your spouse contact the clinic to ensure they have the correct information.

5. **I am a physician and a staff member in my department asked me to give her a second opinion before her upcoming procedure. I do not have a treatment relationship with this patient. May I access her record?**

   You may access this patient's record in Epic but ONLY if you have the patient first sign the official *UNCHCS Authorization Form for Non-Treating Physician Access* (available on the UNCHCS Privacy Office Intranet site).

6. **I work at UNC HC as a registration clerk in the Pediatrics Department. My elderly mother is a patient at UNC HC and I want to review her physician notes from her most recent visit. May I access her record in Epic?**

   No, we encourage you to use My UNC Chart for accessing the records of a family member. Your mother can set up proxy access allowing you to access to her records.

Employees who violate UNCHCS Privacy Policies will face corrective action up to and including termination

Where can I get more Information about the Audits and Questions I have about Accessing Patient Information?

https://unchcs.intranet.unchealthcare.org/dept/ACP/privacy/Pages/employee-access.aspx

Report Potential Privacy Violations to the Hotline Online Portal or 800 Number; Anonymous Reports Accepted

Online Reporting

- Select the location of the incident from the drop down menu
- Provide all of the details that you have at the moment
- Upload a copy of any documents involved in the incident
- Anonymous reports accepted
- Privacy Office will follow up with you

What Should Be Reported?

- Misdirected patient information
- Unauthorized disclosures of PHI
- Inappropriate access to PHI
- Social Media violations
- Any other known or suspected violation of patient privacy

Compliance and Privacy Hotline: http://hotline.unchealthcare.org or call (800) 362-2921

UNC Health Care Privacy Office Contact Information

UNC Health Care Privacy Office	
Intranet Site	https://unchcs.intranet.unchealthcare.org/dept/ACP/privacy
Location	Hedrick Building, Ground Floor
Email Address	Privacy@unchealth.unc.edu
Phone Number	984-974-1069
Hotline	http://hotline.unchealthcare.org (800) 362-2921

Remember, protecting patient privacy is everyone's responsibility