



## **Patient Privacy Guideline**

### **Access to Protected Health Information for Education Purposes**

Carilion Clinic is committed to respecting and upholding our patients' right to privacy and confidentiality. Carilion Clinic workforce members may access patient protected health information ("PHI"), including electronic medical records (e.g. Epic), for educational purposes under state and federal privacy laws and regulations. Our organizational goal is to balance our patients' privacy rights and autonomy with the learning needs of students and professionals.

For the purposes of this guideline, educational activities are defined as activities which impart knowledge or skill. These activities typically assist the learner in making future improvements in their decision-making or by providing competency assurance. Examples may include: following up on pending studies, confirming a diagnosis or tracking a patient's progress during treatment. A learner can be an individual in a formal student role or an experienced professional seeking to maintain continuing education.

All other purposes for accessing PHI must be required or permitted under the applicable standards and Carilion Clinic policy. At no time shall PHI (other than your own Epic medical record) be accessed for non-job related duties, including for personal gain, social purposes, compassion or curiosity.

At times our workforce may struggle with when an activity qualifies as educational. This guideline was developed by a multi-disciplinary team to help guide the workforce in making this determination. **NOTE:** This is a guideline and permissible exceptions to the guidance may exist. For further guidance, please contact the Carilion Clinic Privacy team prior to accessing information.

**Accessing PHI for Educational Activities-** A workforce member may access PHI for educational activities in accordance with the following guidelines:

- The patient has agreed to permit access to their medical information for educational purposes. Patients who have formally "opted-out" will have their Epic record flagged. However, a patient may informally opt-out at any given time (whether as a whole or access by a specific individual) and we must honor such requests.
- The PHI access must be for a legitimate educational intent, is limited to the minimum amount necessary to achieve that intent. The information being sought must be within the learner's current/future scope of practice (e.g. a radiology technician should not access PHI to review the diagnosis of patients for educational purposes).
- To directly access the PHI, the learner must:
  - Currently be or have been directly involved in the patient's care currently or in the recent past. Learning about a patient through discussions with colleagues, through the media or through other means does not meet the "direct care" requirement or
  - Formally assigned an education/academic task or project which requires direct access to patient charts.
- Indirect access to limited/de-identified PHI through a formal educational activity in which the workforce member is an invited participant is permissible (e.g. case conference, grand rounds, team meeting, etc.).

- We recognize that the value of learning techniques varies based on type of learner, therefore the following chart provides further guidance based on learner role.

Learner Category	Permitted to Access Records for Legitimate Education Purposes?
<b>Physicians, Residents, Fellows and Medical Students</b>	
<ul style="list-style-type: none"> <li>• <b>Members of the Medical Staff:</b> Physicians and other Advanced Health Practitioners who require Medical Staff Privileges and/or Carilion Ambulatory Privileges to practice at Carilion Clinic. Examples include: dentists, nurse practitioners, nurse anesthetists and physician assistants.</li> <li>• <b>Residents and Fellows:</b> Physicians who are in a Carilion Clinic approved residency/fellowship program.</li> <li>• <b>Medical Students:</b> Students who are approved for a formal rotation at Carilion Clinic.</li> </ul>	<p><b>Yes if:</b></p> <ul style="list-style-type: none"> <li>• The learner was in a direct care relationship with the patient and the learning activity is related to that care episode OR</li> <li>• The learner was formally assigned an education/academic task or project which requires direct access to patient charts.</li> </ul> <p>The timeframe in which the learner can access the PHI must be limited to a reasonable period following the direct care. The permissible time frame will vary based upon underlying facts and context. Each case will be reviewed on a case by case basis.</p> <p>If a learner “hears” about an interesting case from others, direct access to PHI is not permissible.</p>
<b>Other Students</b>	
<b>Non-Medical Students:</b> Non-medical students who are approved for a formal rotation at Carilion Clinic.	<b>Yes; however only during the time period they are assigned the patient for formal educational activities.</b>
<b>Other Staff</b>	
<b>Clinical Licensed Staff:</b> Individuals who serve in a clinical role and hold a Virginia Department of Health Professions license. Examples include: registered nurses, pharmacists, licensed social workers.	<b>No except in case studies, grand rounds or other formal educational forums.</b>
<b>Clinical Non-Licensed Staff:</b> Individuals who serve in a clinical support role; however do not hold a Virginia Department of Health Professions license. Note: Holding a VA State or national certification is not the equivalent to a license. Examples include: nurse aides, medical office assistants, clinical assistants.	<b>No</b>
<b>Non-Clinical Staff:</b> Individuals who serve in a non-clinical support roles.	<b>No</b>