

Vermont Psychiatric Care Hospital Procedure

Staff Access to Patient Information and Confidentiality

Revised: X

Date: 04/07/14

- I. Vermont Psychiatric Care Hospital (VPCH) staff shall not discuss any information regarding patients with friends, relatives, or the general public.
- II. VPCH staff shall conduct all necessary discussions involving patient information in areas in which the discussion can not be overheard by other patients, the general public, or staff who do not require access to the information to perform their position duties.
- III. VPCH staff shall access patient records only for the purpose of carrying out their job duties as specified in their job description.

If VPCH staff need to use a patient record outside of the patient care unit, it is the staff member's responsibility to appropriately identify where the record will be and to return it to the unit.

- IV. Each VPCH staff member shall sign an Orientation and Condition of Employment Statement in which he/she states that he/she will adhere to this policy and procedure.
- V. There shall be sanctions for VPCH staff who breach patient confidentiality:
 1. **State of Vermont employees:**

VPCH shall take appropriate disciplinary action for breaches of patient confidentiality by VPCH staff under the HIPAA Privacy Rule, which shall be consistent with the disciplinary action taken for breaches of patient confidentiality under the Vermont Mental Health Statutes. The Vermont Mental Health Statutes provides a penalty for directly or indirectly violating the confidentiality of a patient, former patient or person who has sought treatment for a mental condition.
 2. **Persons who are not employed by the State of Vermont:**

For breaches of confidentiality by staff who are not employees of the State of Vermont, VPCH shall refer the matter to such staff's employer for appropriate disciplinary action and/or may terminate its business relationship with such staff, as appropriate.
 3. **Good faith disclosures:**

It shall not be considered to be a breach of confidentiality under this policy if the staff member believes in good faith that VPCH has engaged in conduct that is unlawful (or otherwise violates professional or clinical standards), or the care, services, or conditions provided by VPCH potentially endanger one or more patients, staff, or the public and the staff member therefore discloses PHI to:

 - (a) a public health authority or health oversight agency authorized to investigate or oversee the conduct at issue; or
 - (b) an attorney retained by the staff member or staff member's employer for the purpose of determining the legal options of the staff member with regard to the conduct.

4. Disclosures by staff who are victims of criminal acts:

It shall not be considered a breach of confidentiality under this policy if the staff member who is a victim of a criminal act discloses patient information to a law enforcement officer, provided that the patient information disclosed is about the suspected perpetrator of the criminal act and the information disclosed is limited to the information listed in 45 CFR 164.512 (f)(2)(i).

Approved by	Signature	Date
Frank Reed, Commissioner of DMH		11/29/16