
 <p>HAWAII HEALTH SYSTEMS CORPORATION "Quality Healthcare For All"</p> <p>POLICY</p>	<p>Department: Compliance</p>	<p>Policy No.: CMP 0056A</p>
	<p>Issued by: Anne Lopez, COO and General Counsel</p>	<p>Revision No.: N/A</p>
<p>Subject:</p> <p>WORKFORCE MEMBER ACCESS TO PROTECTED HEALTH INFORMATION (PHI)</p>	<p>Approved by:</p>  <p>HHSC Board of Directors By: Antonette Torres Its: Secretary/Treasurer</p>	<p>Effective Date: February 22, 2018</p>
		<p>Supersedes Policy: N/A</p>
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Last Review: 10/13/17; Next Review: 10/13/20

I. **PURPOSE:** To ensure that HHSC workforce members, who wish to access their medical records or the medical records of their family members, friends, coworkers, or other individuals for personal and non-work or non-treatment related purpose, obtain access on the same basis as any other individual.

II. **DEFINITIONS:**

All capitalized terms used herein are defined in this Section II. Any other capitalized terms used in this Policy and the terms "individual" and "protected health information" are defined by the HIPAA Rules.

Family Members – parents, spouses, fiancés, sons-in-law, daughters-in-law, siblings, grandparents, grandchildren, aunts, uncles, nephews, nieces and first cousins, adult children, and minor children, including emancipated minors and minors who give consent for medical treatment without obtaining the consent of a parent or guardian pursuant to HRS §§ 577-26, 577A-2, 577D-2, or any other state statute or regulation that permits minors to give consent for medical treatment without obtaining the consent of a parent or guardian.

Health Information Management (HIM) – HHSC's medical record service that has administrative responsibility for HHSC's medical records in accordance with the applicable federal and state laws and regulations.

Personal Representative – a person authorized under state or other applicable law to act on behalf of an Individual in making health care related decisions.

Unauthorized Access – access to any information system, application, or PHI, including ePHI, outside the scope of the Workforce Member's duties or level of access to review, read, or copy the Workforce Member's own medical records or the medical records of the Workforce Member's family members, friends, coworkers, or other individual for personal and non-work or non-treatment related purpose.

Workforce Member – HHSC’s employees, volunteers, trainees, and any other persons whose conduct, in the performance of work for HHSC, is under the direct control of HHSC, whether or not they are paid by HHSC.

III. POLICY:

- A. In accordance with the HIPAA Rules, HHSC’s Code of Conduct, and HHSC’s policies and procedures, HHSC Workforce Members shall not use or attempt to use the Workforce members’ granted access and official position to obtain Unauthorized Access.
- B. Workforce Members who wish to access: (1) their own medical records or (2) the medical records of an Individual, provided that the Workforce Member is a Personal Representative of the Individual, shall submit a written request to the respective HHSC Health Information Management department or personnel in accordance with HHSC’s policies and procedures.
- C. Workforce Members who wish to access the medical records of: (1) Family Members, (2) friends, (3) coworkers, or (4) any other Individual for personal and non-work or non-treatment purposes shall submit a valid written authorization to the respective HHSC HIM department or personnel in accordance with HHSC’s policies and procedures.
- D. Workforce Members who violate this policy shall be subject to disciplinary action in accordance with the respective collective bargaining unit agreement, if applicable.

IV. APPLICABILITY: This Policy applies to all HHSC facilities and the corporate office.

V. AUTHORITY: 45 C.F.R. Part 164, Subpart C; 45 C.F.R. §§ 164.502(g), 164.508, and 164.524; 45 C.F.R. Part 2, 42 C.F.R. §§ 482.24, 483.75(l), 485.638, 485.721; Section 622-57, Hawaii Revised Statutes (“HRS”); HRS § 577A-2; HRS § 577-26; HRS § 577D-2; ADM 0037A; ADM 0038A; CMP 0019A; CMP 020A; CMP 029A; CMP 044A; CMP 049A; and ITD 0005A, as all such statutes, regulations, and HHSC policies may be amended from time to time.