

Compliance

21st Century Cures Act Guidance



Increased Patient Access

- The Cures Act increases access for patients to their health data by preventing "information blocking" or interfering with a patient's access to their electronic health data.

What the Cures Act Means for DPH Patients

- Most notes will be released to a patient's MyChart immediately upon signing. Except in certain circumstances, all notes written by any discipline are available for patients to see.

What the Cures Act Means for Providers

- Generally, notes must be released. Providers may choose not to share a specific note for only the following reasons:
 - To prevent harm (release of this note could reasonably cause harm to the life or physical safety of this patient or another person).
 - To respect privacy choices (the patient or their proxy has requested that the information shared in this note not be released electronically or has an expectation of confidentiality of the contents of the note).
 - The information in the note is compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

DPH has adopted an "open notes" strategy to encourage patient engagement and safety. Providers and other staff who have any questions on the Cures Act or whether it is appropriate not to share a note under one of the exceptions, should contact compliance.privacy@sfdph.org for guidance.



Privacy

Unauthorized Access of Patient Records Guidance



Permitted Access of Records

- DPH workforce members may access protected health information (PHI) when there is a legitimate business need related to treatment, payment, or health care operations (TPO).
- Access of any PHI must be limited to the minimum necessary to carry out the assigned job function.
- Access of any DPH electronic health record or paper record without a TPO reason is an "unauthorized access."
 - Treatment means providing, coordinating, or managing a patient's care, including patient education and training, consultations between treating providers, and to make treatment-related referrals.
 - Payment means activities related to being paid for services rendered. These activities include eligibility determinations, billing, claims management, utilization review, and debt collection.
 - Health care operations means a broad range of activities such as quality assessment, student training, contracting for health care services, medical review, auditing functions, licensing and accreditation, and general administrative activities.

Unauthorized Access is a Privacy Violation

- Accessing your own record or the record of any other person in any DPH electronic health record by logging in as a workforce member without a legitimate business need is a misuse of the electronic health record and constitutes a misuse of City resources and a privacy violation.

Please note that unauthorized access to an electronic health record or paper record can result in disciplinary action. If you have any questions about this, please contact compliance.privacy@sfdph.org or (855) 729-6040. Thank you for respecting the privacy of our patients, clients, and residents.

