



**POLICY TITLE:** 203.20 Site Visits for Observational or Educational Purposes to a Baptist Health (BHSF) Facility

**Responsible Department:** Corporate Privacy Office

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## **SUMMARY & PURPOSE:**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates. The HIPAA Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule sets out how and with whom PHI may be shared. Visitors conducting site visits for observational or educational purposes at a Baptist Health facility are expected to complete an acknowledgment of confidentiality to ensure patient confidentiality.

## **POLICY:**

It is the policy of Baptist Health South Florida, Inc. ("BHSF" or "Baptist Health") to comply with applicable state and federal laws, including those protecting the confidentiality of patient health information and safeguarding of patient information. It is our policy to implement these laws in a way that supports our primary mission to the community regarding the delivery of quality health care in an efficient manner. This policy serves to describe the confidentiality process for visitors to a Baptist Health facility.

## **SCOPE/APPLICABILITY:**

This policy applies to Baptist Health, its affiliates, all workforce members, and others as described below.

- **Workforce members.** Workforce members means employees, volunteers, trainees, temporary staff, and contractors/consultants who are not independent contractors under *Human Resources Policy 1150 - Independent Contractors*.

- **Medical staff members.** Medical staff members are treated as members of an organized health care arrangement with Baptist Health South Florida and must comply with this policy as if they are workforce members pursuant to their applicable medical staff bylaws.
- **Students and Residents.** Employed students and residents are treated as workforce members. Non-employed students and residents must comply with this policy as if they are workforce members pursuant to the terms of their applicable academic agreements.

**Independent Contractors and Others.** Independent Contractors and others who have agreed to comply with Baptist Health's policies and procedures as a condition of receiving access to Protected Health Information (PHI) must comply with this policy as if they are workforce members.

This policy formalizes the process for tracking visitors and other medical professionals.

**DEFINITIONS:**

1. Observer: A participant of any shadowing or observational rotation program whose scope of participation may include shadowing medical staff or employees on rounds including observing in operating rooms ("ORs").
2. Observers may not participate in direct patient care including:
  - a. No hands on patient contact
  - b. No direct or indirect responsibility for patient care
  - c. No notes or comments in patients chart
  - d. No direct access to medical records
  - e. No patient care or other orders may be written or given verbally
  - f. No interacting with patients or family members individually without the presence of the sponsoring supervisor

**PROCEDURES TO ENSURE COMPLIANCE:**

1. Each Baptist Health department which agrees to host a visiting health care professional or site visitor for the purpose of education and observation should abide by this policy.
2. Each hosting department should:
  - i. Not permit the visiting person or organization to observe in their department without receipt of clearance from the Baptist Health Office of Academic Affairs, or the entity's Security department
  - ii. Not permit the visiting person or organization to collect, use, record or further disclose PHI observed while in a BHSF facility;
  - iii. Take reasonable safeguards to minimize incidental disclosures of PHI; and
  - iv. In the event that the visit results in direct patient contact, the treating BHSF professional shall ask the patient if they mind the visiting professional's presence during any clinical discussions.
3. The Policy does not provide for visitors to have direct access to any Baptist Health computer system or electronic application.
4. International Visitors
  - a. Any international visitors of observation or educational purposes must be scheduled through the International Services department.
  - b. The International Services department will coordinate with the Office of Academic Affairs and the hosting BHSF department to be visited.
  - c. International visitors must comply with the same guidelines as other visitors, including executing an acknowledgement of confidentiality
  - d. The signed agreement, or attestation of review, will be maintained by the Office of Academic Affairs.
5. Students and Residents Participating in Clinical Rotations
  - a. Students and resident clearances are managed by the Office of Academic Affairs. The clearance requirements for these learners includes acknowledgement of review of privacy and confidentiality

All references to Policies must go to the BHSF Master Copy on the BHSF Intranet; do not rely on other versions / copies of the Policy.

guidelines as outlined by the Corporate Privacy Office. Documentation of successful clearance is maintained by the Office of Academic Affairs

- b. Participants of the Shadowing & Observational Rotation Program are provided with an Observership Program Handbook by the Office of Academic Affairs. The handbook contains an acknowledgement of confidentiality agreement which is maintained in the Office of Academic Affairs
  - i. Please refer to policy BHSF-60830-001 for detailed information.

**SUPPORTING/REFERENCE DOCUMENTATION:**

- Health Insurance Portability and Accountability Act of 1996 as amended from time to time and including any regulations promulgated thereunder (collectively, "HIPAA")
- Applicable Florida State Laws

**RELATED POLICIES, PROCEDURES AND ASSOCIATED FORMS:**

- Corporate HIPAA Privacy Policies
- Attachment – BHSF-74220-6041 Acknowledgement of Confidentiality
- BHSF-60830-001 Requirements and Guidelines for Shadowing Medical Staff Members and Clinical Employees within BHSF (Observer Program)
- Attachment - Observer and Medical Student Scope of Participation
- Attachment - Supplemental Health Information Resource Sheet
- Observership Program handbook (available by request)
- Attachment - Supplemental Health Information Resource Sheet

**ENFORCEMENT & SANCTIONS:**

1. Reference: Corporate HIPAA Privacy Policy BHSF-74220-605.20 Sanctions for Privacy Violations
2. Violations of this policy will be determined by the Chief Privacy Officer in consultation with the appropriate levels of department leadership and appropriate Human Resources management level. Reference: HR policies 5250 Employee Conduct and 5300 Corrective Action.
3. Violations of this policy may lead to disciplinary action up to and including termination.
4. Enforcement of this policy will be performed by Baptist Health South Florida's Privacy Office in conjunction with Human Resources, as circumstances may dictate.