Oklahoma State University

Title: Employee Use/Disclosure of own/family PHI	Policy #: PRV-10.06
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.506
Standard: Use/Disclosure	Responsibility: Health Care Components
Effective Date: 11/15/2012	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:
To clarify an OSU employee's use and/or disclosure of their own and/or a family member's PHI, and to prevent self-treatment by medical staff.

POLICY:

Any OSU employee who is or was a patient, and/or has family member(s) or friend(s) that are or were a patient of any OSU clinic should excuse themselves from involvement in the care of themselves family member(s) or friend(s) to avoid any literal or perceived conflicts of interest and/or self-treatment

DEFINITIONS:

Family / Family members includes but is not limited to: mother, father, sister, brother, children, spouse, self, grandparents, grandchildren, and if married, immediate in-laws.

PROCEDURE:

1. Any employee of OSU who are/were a patient or has family or friends that is/was a patient of OSU should excuse themselves from their care and/or the care of family member(s) or friend(s) as to avoid a conflict of interest and to prevent self-treatment.
    a. Under this procedure, it is realized that in smaller clinics, the above might be difficult to adhere to. In those cases, the employee should contact the HIPAA Compliance Officer for advice and guidance.
2. The employee may be and should be actively involved in their care as a patient or in the care of family members or friends. However, the employee should not act as an employee while involved in the care of family members, friends or themselves. This would include acting as an employee of OSU during normal business hours and being involved in the care of family members, friends or themselves.
3. The employee will be treated like any other patient or family member/friend of a patient.
4. The employee is prohibited from accessing patient restricted areas within the clinic that the employee may normally have access to while on duty. The employee is prohibited from accessing any computer systems that contain PHI, and should go through the normal course of obtaining PHI as any patient of OSU would.

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5. The employee may obtain access/copies to their own record or family member/friend with whom authorization has been given by the patient and the employee has followed policy **PRV-10.01 (Access to PHI).**
6. The employee is prohibited from accessing their own patient record or the record of any family member(s) or friend(s) at any time while on duty for any reason.
7. During any physician visit by self, or where the employee accompanies family members or friends, employee should be off duty and clocked out.
8. Any employee who does not excuse themselves from care/involvement may face sanctions as defined in the Sanctions Policy.
    a. In smaller clinics where excusal may not be possible, the employee must insure that proper documentation is obtained through the HIPAA Compliance Officer and/or the employee's superior.
9. Any employee who accesses other employee's record(s) or accesses their family/friend's records and is not directly involved in the care of the patient will be subject to sanctions. (PRV-13.05 Sanctions Policy)
10. If a fellow employee is aware of a situation that violates this policy and does not report it to the HIPAA Compliance Officer and/or their immediate supervisor, that employee will also be subject to sanctions. (PRV-13.05 Sanctions Policy)

REFERENCE:
1. PRV-10.01 Access to PHI Policy
2. PRV-13.05 Sanctions
3. American Medical Association Code of Ethics Opinion 8.19 – Self-Treatment or Treatment of Immediate Family Members