

Privacy: Break the Glass

KEY TERMS:

BTG, Epic, High-Profile, Medical Record, PHI, Privacy, Safeguard, Technical Control

I. PURPOSE:

This policy establishes guidelines and procedures for using an enhanced privacy safeguard in the electronic health record, Break the Glass, for the purpose of safeguarding protected health information from any intentional or unintentional access, acquisition, use or disclosure in accordance with applicable state and federal laws and regulations and Carilion Clinic.

II. SCOPE:

This policy applies to all Carilion Clinic entities that maintain protected health information and their workforces. This policy does not apply to the following entities and their associated workforces: Carilion Wellness, MedKey and associated revenue agents.

III. DEFINITIONS:

Break the Glass: A technical control within Epic that when enabled on a patient's electronic medical record will warn the end-user that a restriction is in place, requiring the user to re-enter their username and password before entering the patient's electronic health record. BTG is not a stopgap but is meant to serve as a reminder and deterrent to prevent unauthorized users from accessing a patient's electronic medical record.

Epic: Carilion Clinic's electronic medical record system.

High Profile Patient: A patient placed in a position of potentially attracting internal and/or external attention or publicity that may jeopardize a patient's privacy or security. Examples include, but are not limited to: a patient or event that has garnered community interest; a patient or event that is connected to media coverage; a patient who is a victim or suspect in a crime; or a patient or event that may be well-known to the Carilion Clinic workforce.

Protected Health Information (PHI): Individually identifiable health information created, received, or maintained by Carilion Clinic. This includes information related to the past, present, or future physical or mental health/condition of an individual; the provision of health care to an individual; and the past, present or future payment for the provision of health care to an individual.

Unauthorized User: An individual who has general Epic access but does not have a business need to access a specific patient record at a single point in time.

Workforce: Carilion Clinic employees and contractors, suppliers, volunteers, researchers, clinical and non-clinical students, residents and non-employed members of a Carilion Clinic hospital medical staff only when their conduct, in the performance of work for Carilion Clinic, is under the direct control of Carilion Clinic.

IV. PROCEDURE:

A. Procedural Background:

The HIPAA Privacy Rule requires Carilion Clinic (Carilion) to assess risk and implement reasonable safeguards to protect patient privacy. As an enhanced privacy safeguard, some patient records in Epic, our electronic medical record system, may be given temporary or permanent Break the Glass (BTG) protection.

B. Applying Break the Glass to a Patient Record:

1. Carilion Employees Who Are Carilion Patients:

- a. Carilion employees who wish to have additional privacy applied to their electronic health record, may contact the following to have BTG applied:
 1. Primary care or another physician's office
 2. The Privacy Office at privacy@carilionclinic.org.
- b. To apply BTG, select the patient's employer as "Carilion Clinic" in the patient demographic tab; and select the patient's applicable employment status as either full or part-time.
- c. Employees may NOT apply BTG to their medical record

2. Other Carilion Patients:

- a. At the discretion of the Privacy Office, BTG may be applied to a patient's medical record when:
 1. The patient has reasonable increased concerns for their privacy, security, and/or safety.
 2. The patient is considered to be high profile.
 3. The patient is involved in a high-profile event.
 4. The patient has previously suffered a privacy and/or security breach; or

5. Other circumstance where the patient is considered to be at increased risk for their privacy and security being potentially compromised and BTG is viewed as a reasonable safeguard under the circumstances.

C. Encountering BTG:

1. Epic users may break the glass on a patient's electronic medical record for business purposes only. Users are not required to obtain patient permission to break the glass.
2. To break the glass, the user will need to select a reason on the break the screen that corresponds with their business purpose for entering the patient's chart. In some instances, users may be required to add a further explanation for their access. If not required, users are encouraged to add a further explanation to document appropriate access, should their access ever be questioned. The user must then re-enter their Epic password.
3. Once a user has broken the glass on a patient's record, that patient's record will remain open to that specific user for 7 calendar days; after 7 calendar days, the user will need to re-break the glass for continued access to the record.
4. BTG will not be triggered for Physicians and Advanced Care Providers (ACPs) who are listed as the patient's primary care provider or for those the patient is scheduled to see.

D. Requesting BTG:

Patients may have BTG added to their electronic health record at their primary care or other provider's office. Requests may also be submitted to the Privacy Office by emailing privacy@carilionclinic.org or by calling (540) 510-4600.

E. Legal/Risk Management Actions:

Health Information Management may add BTG to patient records that are under legal and/or risk management review by creating an FYI flag that states "Legal Lockup/Legal Review."

F. Removal of BTG:

1. BTG may be removed from a patient chart by the Privacy Office upon formal patient request, or
2. At the discretion of the Privacy Office, BTG may be removed from a patient's medical record when the extenuating circumstance or high-profile event is determined to no longer be a risk to the patient's privacy or security.

G. Monitoring and Auditing:

Appropriate use of BTG is subject to monitoring and auditing by the Privacy Office.

H. Documentation:

The Privacy Office will maintain documentation related to BTG processes for a minimum 6 years in accordance with HIPAA.

V. OTHER ISSUES / CONCERNS:

- 45 C.F.R. Parts 160 and 164, as amended by the Privacy and Security Provisions set forth in Section 13400 of the Health Information Technology for Economic and Clinical Health Act, Public Law 111-5 (“HITECH Act”) and the rules promulgated thereunder (collectively referred to herein as the “HIPAA Rules”).
- Carilion Clinic Policy: *Privacy: Treatment, Payment, Healthcare Operations*, (Organizational Integrity & Compliance)
- Carilion Clinic Policy: *Privacy: General Safeguards*, (Organizational Integrity & Compliance)
- *Access and Confidentiality Agreement*

Approvals

Name	Title	Dept./Committee	Date
Jeanne Armentrout	EVP	Administration	February 22, 2021