

SECTION 6: OTHER PRIVACY POLICIES AND PROCEDURES

6.2. Patient Care Observers

POLICY

1. The University of Florida (UF) recognizes that appropriate observation by Patient Care Observers (Observers) is an integral part of the UF Health mission of creating an environment that supports education and research in the health sciences.
2. UF is committed to safeguarding the confidentiality of protected health information (PHI) in all formats so that any PHI created, received, or maintained by UF is only accessed by authorized individuals and used or disclosed in accordance with UF's policies and federal and state regulations.
3. Observers who may enter patient care areas or view patient care who are not formally associated with UF or must be accounted for by a formal registration process. Observers shall be accompanied and/or supervised by a UF representative at all times. The UF representative is responsible for the actions of the Observer.
4. UF staff will monitor UF observers in regard to their access to patients and PHI.
5. This policy sets minimum requirements to allow individuals who are not associated with UF or UF Health to observe patient care. Patient care units (e.g. ER, OR, clinics) often have additional requirements.

APPLICATION AND SCOPE

1. Generally speaking, an Observer is a temporary, unpaid person who wishes to observe a UF Health clinician rendering patient care for purposes of enhancing the Observer's knowledge about the provision of care.
2. Observation is permitted for a period of up to six months.
3. Observers generally include the following:
 - a. Visiting health care professionals, scholars, or students,
 - b. Other persons not officially associated with UF / UF Health who observe patient care,
 - c. Any other similar person or group that may directly or indirectly encounter PHI, and are not officially affiliated with or otherwise supervised by UF HSC personnel.
4. This policy excludes the following individuals (they are not usually Observers):
 - a. UF fellows, interns, residents, or students while conducting their clinical rotations,
 - b. UF Students enrolled in courses or internships that require physician shadowing for graduation,
 - c. Students in a UF affiliated clinical education program (i.e. Santa Fe students)
 - d. Courtesy Faculty Appointees active in UF's PeopleSoft system,
 - e. Patient visitors (i.e., family, friends),
 - f. Site Monitors for IRB-approved clinical trials,
 - g. Vendors or trade representatives registered in the UF Health Shands RepTrax System.

DEFINITIONS

1. ***Patient Care Observer (Observer)***— Is a temporary, unpaid person who wishes to observe a UF Health or UF employee, credentialed or contracted staff member rendering patient care for purposes of enhancing their

knowledge of the provision of health care. For the purposes of this policy and procedure, also means the extra-curricular viewing of patient care or health-related procedures that is outside the scope of a student's required course work, or of a health care professional's job duties; or viewing of patient care areas and/or health-related procedures.

This definition does not include the following categories of persons: vendors, volunteers, interns, externs, students in an approved affiliated health education program or persons participating in a hospital tour; thus, this policy does not apply to those individuals. See exceptions described in policy above.

2. **Sponsoring Department**– The department or unit that hosts an Observer and assumes full responsibility for the conduct and observation status of the Observer.
3. **Workforce**: UF faculty, staff, students, volunteers, and any other persons under the direct control of UF, whether temporary or permanent, paid or not paid; also including, but not limited to, visiting and associate clinicians, faculty, students, and other persons performing services for UF.

SPONSOR REQUIREMENTS

1. Make an independent decision as to whether a patient care observation request, for purposes of enhancing the Observer's knowledge of the provision of health care, is appropriate.
2. Establish terms and conditions beneficial to healthcare operations for any particular patient care observation event. Terms and conditions may include, but are not limited to:
 - a. Protecting patient privacy.
 - b. Ensuring that patient's provide consent to being observed.
 - c. Ensuring the efficiency of healthcare operations.

OBSERVER REQUIREMENTS

1. Observers may be scheduled for up to six months at a time per calendar year.
2. Observers must be accompanied and/or supervised by a UF representative at all times.
3. Observers are required to adhere to proper dress code while observing patient care.
4. Observers may not treat patients.
5. Observers may not take photographs, video or digital recordings of patients.
6. Basic requirements for all Observers:
 - a. Register through the Sponsoring Department and follow applicable Observer guidelines.
 - b. Complete a Patient Care Observation Request form.
 - c. Attest to having a recent flu shot.
 - d. Sign a UF Confidentiality Statement.
 - e. Complete HIPAA/Privacy General Awareness training (course PRV800) in myTraining.
 - f. Wear a Patient Care Observer ID badge (provided by Sponsoring Department)
7. Behavior by Observers at UF Health that is considered by UF Health to be disrespectful, disruptive, intrusive, or violates any term or condition of this policy or any policy established by the Sponsoring Department will not be tolerated. Any such action will result in termination of observation status and other actions as UF deems appropriate.

8. Minors: Observers under 18 years of age are permitted on a case-by-case basis at the request of a Sponsoring Department.

PATIENT CONSENT

1. Patients shall be given the opportunity to consent to being observed.
2. Patient consent is generally obtained and documented in one of three ways:
 - a. Verbal consent when asked by a UF clinician and documented in the patient's medical record,
 - b. Written consent on a UF Health Consent and Authorization for Treatment, or
 - c. Written consent for surgery or other procedure that includes consent for observers.

REFERENCES

1. HIPAA: 45 CFR §164.308 Administrative Safeguards; 45 CFR §164.501 Definitions; §164.514(d) Minimum Necessary Requirements; §164.530 Administrative Requirements, (b) Training, (c) Safeguards

EXHIBITS

1. UF Privacy Forms *Request to Observe Patient Care* available at, <http://privacy.ufl.edu/uf-health-privacy/forms/>.