

CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF PUBLIC HEALTH

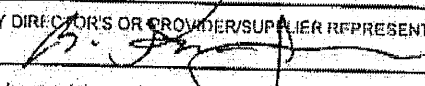
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|---|---|--|--|--|
| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | | (X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 050367 | (X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____ | (X3) DATE SURVEY COMPLETED 09/04/2014 |
| NAME OF PROVIDER OR SUPPLIER NorthBay Medical Center | | STREET ADDRESS, CITY, STATE, ZIP CODE 1200 B Gale Wilson Blvd, Fairfield, CA 94533-3552 SOLANO COUNTY | | |
| (X4) ID PREFIX TAG | SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION) | ID PREFIX TAG | PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY) | (X5) COMPLETE DATE |
| | <p>The following reflects the findings of the Department of Public Health during a complaint/breach event visit:</p> <p>Complaint Intake Number: CA00380234 - Substantiated</p> <p>Representing the Department of Public Health: Surveyor ID # 32860, HFEN</p> <p>The inspection was limited to the specific facility event investigated and does not represent the findings of a full inspection of the facility.</p> <p>Health and Safety Code Section 1280.15(a) A clinic, health facility, home health agency, or hospice licensed pursuant to Section 1204, 1250, 1725, or 1745 shall prevent unlawful or unauthorized access to, and use or disclosure of, patients' medical information, as defined in subdivision (g) of Section 56.05 of the Civil Code and consistent with Section 130203. The department, after investigation, may assess an administrative penalty for a violation of this section of up to twenty-five thousand dollars (\$25,000) per patient whose medical information was unlawfully or without authorization accessed, used, or disclosed, and up to seventeen thousand five hundred dollars (\$17,500) per subsequent occurrence of unlawful or unauthorized access, use, or disclosure of that patients' medical information.</p> <p>Penalty number: 110011552</p> <p>A 017 1280.15(a) Health & Safety Code 1280</p> | | <p>Patient specific Action: A letter was sent to the patient on 12/9/13 apologizing for the breach of his PHI by the physician and explaining what actions were taken.</p> <p>Potential Population Effect: This type of breach could occur with future patients if the physician is not sensitive and aware of what information can be shared with family members even in an emergency situation. The physician was education on 11/27/13 by the Privacy Officer about the privacy regulations and what can be shared with family members even in an emergent situation.</p> | 9/4/14 |

Event ID: X0U011

6/16/2015

9:07:13AM

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE



TITLE

PRESIDENT HOSPITAL DIVISION

(X6) DATE

7/30/15

By signing this document, I am acknowledging receipt of the entire citation packet, *Pages 1 thru 4*

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. Except for nursing homes, the findings above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

State-2567

POC Accepted 8/10/15 @ 4:57 pm Spoke to Mary Dickey, Privacy Officer. Spencer/HFEN

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FROM: PEN-TAB Admin TO: 917075762418 07/31/2015 13:16:53 #30583 P.006/008

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| | <p>(a) A clinic, health facility, home health agency, or hospice licensed pursuant to Section 1204, 1250, 1725, or 1745 shall prevent unlawful or unauthorized access to, and use or disclosure of, patients' medical information, as defined in subdivision (g) of Section 56.05 of the Civil Code and consistent with Section 130203. The department, after investigation, may assess an administrative penalty for a violation of this section of up to twenty-five thousand dollars (\$25,000) per patient whose medical information was unlawfully or without authorization accessed, used, or disclosed, and up to seventeen thousand five hundred dollars (\$17,500) per subsequent occurrence of unlawful or unauthorized access, use, or disclosure of that patients' medical information. For purposes of the investigation, the department shall consider the clinic's, health facility's, agencies, or hospice's history of compliance with this section and other related state and federal statutes and regulations, the extent to which the facility detected violations and took preventative action to immediately correct and prevent past violations from recurring, and factors outside its control that restricted the facility's ability to comply with this section. The department shall have full discretion to consider all factors when determining the amount of an administrative penalty pursuant to this section.</p> <p>Based on interview and document review, the hospital failed to safeguard the private health information for one patient, when that patient's information was broadcast over the phone by the consulting physician.</p> | | <p>Actions:</p> <ol style="list-style-type: none"> 1. Privacy officer immediately discussed situation with physician and provided one on one education related to Privacy regulations, what is considered protected health information and what can be shared with family members without the patient's permission. One on one education occurred 11/27/13. 2. Complainant was notified by phone that the situation was being reviewed and that the complaint was being addressed with the physician. 3. Physician counseled about situation by the Privacy Officer <p>Monitoring:</p> <ol style="list-style-type: none"> 1. Complaints against involved physician monitored from 12/1/13 until 4/30/14 to see if any further privacy breaches were reported. 2. No additional privacy breaches noted for this physician. <p>Integration into QA System: This information is shared through the Medical Staff Quality Improvement process and the monitoring for additional incidents would be a part of the physician's ongoing Periodic Performance Evaluation. In this case no additional incident occurred.</p> <p>Responsible Person: Director Licensing, Accreditation, Privacy Officer</p> | <p>9/4/14</p> <p>9/4/14</p> <p>9/4/14</p> <p>9/4/14</p> <p>9/4/14</p> <p>9/4/14</p> |

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| | <p>Findings:</p> <p>During an interview on 02/25/14 at 3:15 p.m., Family Member 2 stated her brother (Patient 1) went to the facility's Emergency Room for care and while he was there he called her. The time of the call was 4 a.m., and his request was for her to come to the hospital, pick up his keys and transport his truck back to his home so his roommate could get to work. Family Member 2 further stated her two small children were still sleeping, and she had no intention of waking them up to run an errand for her brother. According to Family Member 2, when she said, "No," they began to argue. Then suddenly, another voice was on the phone when Administrator B took the phone from Patient 1 and yelled at Family Member 2, "Your brother is having a life and death situation here. He has had an erection all day. Are you going to help him or not?"</p> <p>During an interview on 02/25/14 at 3 p.m. Administrator A stated the complaint was received from Patient 1's family member, who felt the incident rose to the level of a breach of personal health information. Administrator A also stated, after she spoke with Administrator B, that he realized the error of his comment, but he was only trying to get treatment done for Patient 1.</p> <p>Review of facility documents on 07/07/14, indicated that Patient 1 was notified of the breach of protected health information by mail. The letter further indicated that Administrator B realized the</p> | | | |

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| | error of his comment and did not intentionally breach protected health information. | | | | |

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