

California Department of Health Services

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: CA930000074	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 05/12/2009
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NAME OF PROVIDER OR SUPPLIER KAISER FOUNDATION HOSPITAL	STREET ADDRESS, CITY, STATE, ZIP CODE 9400 E ROSECRANS AVE BELLFLOWER, CA 90706
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(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
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E 000	<p>Initial Comments</p> <p>The following reflects the findings of the Department of Public Health during a Complaint visit:</p> <p>Complaint Intake Number: CA00186764 - Substantiated</p> <p>The inspection was limited to the specific complaint investigated and does not represent the findings of a full inspection of the facility.</p> <p>Representing the Department of Public Health:</p> <p>, RN-HFEN , HFE III</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>	E 000		
E1953	<p>T22 DIV5 CH1 ART7-70707(b)(8) Patients' Rights</p> <p>(b) A list of these patients' rights shall be posted</p>	E1953		

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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E1953	<p>Continued From Page 1</p> <p>in both Spanish and English in appropriate places within the hospital so that such rights may be read by patients. This list shall include but not be limited to the patients' rights to:</p> <p>(8) Confidential treatment of all communications and records pertaining to the care and the stay in the hospital. Written permission shall be obtained before the medical records can be made available to anyone not directly concerned with the care.</p> <p>This RULE: is not met as evidenced by: Based on record review and interview, the facility failed to maintain the privacy and confidentiality of four (4) patients' medical records for Patients 1, 2, 3, and 4. For Patient 1's medical record, six employees inappropriately accessed the patient's electronic record without authorization. For Patient 2's medical record, one employee inappropriately accessed the patient's electronic record without authorization. For Patient 3's medical record, one employee inappropriately accessed the patient's electronic record without authorization. For Patient 4's medical record, one employee inappropriately accessed the patient's electronic record without authorization.</p> <p>Findings:</p> <p>On May 4, 2009, a self reported facility incident was investigated regarding a breach in the electronic medical records for Patients 1, 2, 3 and 4.</p> <p>A review of the facility investigative report dated April 28, 2009, disclosed, "through subsequent investigation and employee interviews" the hospital had "ascertained" that five (5)</p>	E1953		

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E1953	<p>Continued From Page 2</p> <p>employees had inappropriately accessed the electronic medical record of Patient 1, one employee had inappropriately accessed the electronic medical record of Patient 1 and Patient 2, one employee had inappropriately accessed the electronic record of Patient 3 and one employee had inappropriately accessed the electronic record of Patient 4.</p> <p>During an interview with Administrative Staff A on May 4, 2009 at 8:25 a.m., she stated that eight (8) employees accessed the electronic records of Patient #'s 1, 2, 3, and 4 without authorization. Administrative Staff A stated one registered nurse (RN) from Medical/Surgical, who, "Had no business. No need to know," viewed the electronic medical records of Patient 1 and Patient 2. Administrative Staff A also stated that another RN from Labor and Delivery (L&D) viewed the medical record of Patient 1 and "she should not have." According to Administrative Staff A, there was no signed consent or authorization for release of medical information to the above mentioned eight employees in the patients' medical record. Administrative Staff A stated six of the eight employees resigned, one employee was terminated and disciplinary action was taken against one employee.</p> <p>A review of the facility Impermissible Medical Record Access dated April 24, 2009, disclosed nine impermissible accessions by eight employees: Employee A, B, C, D, E and F inappropriately accessed Patient 1's electronic record. Employee C inappropriately accessed Patient 1's and Patient 2's electronic medical records. Employee G inappropriately accessed Patient 3's electronic record. Employee H inappropriately accessed Patient 4's electronic record.</p>	E1953		

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E1953	Continued From Page 3 According to a facility report dated May 8, 2009 and a telephone interview with Administrative Staff A on May 12, 2009, at 8:10 a.m., the facility installed "Break-the-Glass" protection to Patients 1, 2, 3, and 4's electronic medical records on February 3, 2009. Administrative Staff A stated a print out of all medical record accessions was given to risk management on February 23, 2009 for Patients 1, 2, 3, and 4. A review of the Medical Record Access Report provided by the facility, indicated the eight (8) employees breached the patients' electronic medical records from January 26, 2009 to February 3, 2009. On May 4, 2009 at 10:05 a.m., access to Patients 1, 2, 3, and 4's electronic medical record was observed by the Evaluator. The observation revealed that any attempt to access the medical record required the user to enter a password and warned the user that they were about to "Break the Glass." Then when greeted with the warning screen, the user was required to explain the reason for accessing the medical record from a drop-down screen, write down more specific explanation, click accept, and enter a password. A review of facility records revealed that the eight employees, who breached the medical records of Patients 1, 2, 3 and 4, participated in the patient privacy and/or compliance training and signed "Confidentiality Agreement" or "Principles of Responsibility Attestation" upon hire and annually, agreeing to only access information that they had been "instructed or authorized to access to do my job."	E1953		

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E2236	Continued From Page 4	E2236			
E2236	<p>T22 DIV5 CH1 ART7-70751(b) Medical Record Availability</p> <p>(b) The medical record, including X-ray films, is the property of the hospital and is maintained for the benefit of the patient, the medical staff and the hospital. The hospital shall safeguard the information in the record against loss, defacement, tampering or use by unauthorized persons.</p> <p>This RULE: is not met as evidenced by: Based on record review and interview, the facility failed to safeguard Patient 1, 2, 3 and 4's medical record against use by unauthorized individuals.</p> <p>Findings:</p> <p>On May 4, 2009, a facility self reported incident was investigated regarding a breach in the electronic medical records for Patient #'s 1, 2, 3 and 4.</p> <p>A review of the facility investigative report dated April 28, 2009, disclosed, "through subsequent investigation and employee interviews" the hospital had "ascertained" that five (5) employees had inappropriately accessed the electronic medical record of Patient 1, one employee had inappropriately accessed the electronic medical record of Patient 1 and Patient 2, one employee had inappropriately accessed the electronic record of Patient 3 and one employee had inappropriately accessed the electronic record of Patient 4.</p> <p>During an interview with Administrative Staff A on May 4, 2009 at 8:25 a.m., she stated that eight</p>	E2236			

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E2236	<p>Continued From Page 5</p> <p>(8) employees accessed Patient 1, 2, 3 and 4's electronic medical records without authorization.</p> <p>A review of the facility Impermissible Medical Record Access dated April 24, 2009, disclosed nine impermissible accessions by eight employees: Employee A, B, C, D, E and F inappropriately accessed Patient 1's electronic record. Employee C inappropriately accessed Patient 1's and Patient 2's electronic record. Employee G inappropriately accessed Patient 3's electronic record. Employee H (from Sister Facility 1) inappropriately accessed Patient 4's electronic record.</p> <p>During a telephone interview with Administrative Staff A on May 12, 2009 at 8:10 a.m., she stated the facility installed "Break-the-Glass" protection to Patient #'s 1, 2, 3, and 4's electronic medical records on February 3, 2009.</p> <p>A review of the Medical Record Access Report provided by the facility, indicated the eight (8) employees breached the patients' electronic medical records from January 26, 2009 to February 3, 2009.</p> <p>The facility failed to prevent access to confidential medical record information and safeguard Patient 1, 2, 3 and 4's electronic medical records against use by unauthorized individuals.</p>	E2236			