

Health Information Compliance Alert

HEALTH INFORMATION NEWS

YOUR EMPLOYEES HAVE PRIVACY RIGHTS, TOO

If you demand that your employees explain their health conditions before you allow them to use sick time, you're violating their privacy rights. That's what attorney **John Brady** alleges in a complaint sent to Delaware's Public Employment Relations Board Sept. 25 on behalf of the Correctional Officers Association of Delaware (COAD), Delaware Capital Review reports.

"Wardens are refusing signed doctors' excuse-from-work documents and are requesting detailed notes from medical practitioners with specific patient medical conditions and information from COAD members," the complaint claims.

Brady included in the filing an e-mail supposedly sent from Sussex Community Correction Center Warden **Robert George** that tells supervisors not to be concerned about employees' medical privacy rights and gives them directions on how to determine whether sick leave should be granted. The e-mail also states that supervisors who refuse to follow the procedures will be disciplined.

"We believe our actions have been in compliance with the contractual language of the interim agreement and we look forward to presenting our case before the Public Employment Relations Board," said Commissioner of Correction **Stanley Taylor** in a prepared statement.

The state has seven days to respond to the complaint, the board's executive director **Charles Long** told the Review.

Lesson Learned: Tread lightly when it comes to your employees' medical privacy - even if it means you wind up paying for an employee to play hooky.

YOU DON'T HAVE TO POLICE YOUR PATIENTS

Cleveland County sheriff's deputies are in an uproar over Gaston Memorial Hospital's decision that hospital staff members do not have to alert law enforcement officials when suspects are released, the Charlotte Observer reports.

"We're not in the business of protecting the public from anybody. The hospital is being put into a position of having to assume responsibility and custody for dangerous people, when, in fact, that's really the police and sheriff departments' job," said **John Buerkert**, Gaston Memorial's VP and general counsel.

This policy concerns law officials because it provides suspects with the ability to "commit other crimes before we can find them again," said Major **Jeff Isenhour** with the Gaston County Police. He also noted that Gaston Memorial has released this type of information to them in the past.

While it is standard practice for other medical centers in the area to inform police when a suspect is released, Gaston Memorial's officials stand firmly behind their decision. The hospital is putting their policy into writing to formalize it.

County officials hope to reach a compromise with the hospital in the coming months, the Observer notes.

Lesson Learned: Does your facility have a stance on this issue? Avoid quarreling with local law enforcement by developing - and sticking to - a policy that clearly states whether you will give the police a call when their suspects are

cleared to head home.