

Guidance on HIPAA Requirements for Visiting Clinical Observers

Yale is committed to providing outstanding patient care and education. Achieving these goals requires a delicate balance when educational experience involves observers who are not affiliated with approved training, education, or research programs. This guidance is intended to create reasonable and appropriate constraints on individuals who wish to learn through clinical observation outside of established training programs so that patient care needs and institutional responsibilities are honored in this context.

To whom does this guidance apply?

This guidance is intended for visitors who will be on site for a limited time and will only observe activities. The guidance does not apply to the following groups:

- Minors and visiting undergraduates as they are subject to specific policies that can be found at <https://provost.yale.edu/policies>.
- Medical students in an approved elective program as described at <https://medicine.yale.edu/education/curriculum/advancedtraining/clinicalectives/visitingelectives/> and <https://medicine.yale.edu/education/gho/visitingstudents/>
- Vendors as allowed under HIPAA policies such as device manufacturers assisting in device implementation.
- Prospective employees as part of the interview process.
- Students or trainees enrolled in an approved clinical training program such as those managed through the Office of Medical Education.

Requirements of visiting clinical observers:

Individuals wishing to observe in clinical areas must be sponsored by a clinician who assumes responsibility for ensuring that the visit is conducted in accordance with the following requirements and that the observer is not left unattended in clinical areas:

- Visiting clinical observers may be scheduled for a maximum of 5 days. Subsequent observations may not be scheduled.
- Prior to the visit, the observer must review and sign off on the HIPAA training booklet *Privacy and Security Training for Temporary, Non-Research Staff* <https://hipaa.yale.edu/sites/default/files/files/Privacy%20and%20Security%20Training%20for%20Temporary%20Non-Research%20Staff%208-2019doc.pdf>. This should be retained by the department.
- Reasonable precautions will be taken to minimize disclosure of HIPAA Protected Health Information.
- Patient consent must be obtained prior to an observer entering the exam room. The patient has a right to not be seen in the presence of an observer.
- Visiting clinical observers may not be granted access to medical records or participate in patient care in any way.
- Observers must comply with University policy relevant to access to clinical areas.