

TEN GDPR RULES FOR HEALTH CARE PROFESIONALS

Basic rules for how
to comply with the new
privacy legislation

1 I don't holler patients' names and diagnoses across the waiting room

Ideally, a friendly "next, please" ought to be all the nurse ever needs. If this is impracticable, you must do everything to ensure that other people in the vicinity only get to hear the absolute minimum (ex.: "Ms. Newman, will you please come with me"). Be careful never to communicate any information related to diagnoses in the waiting room (i.e., it is absolutely unacceptable to use phrases such as "Ms. Newman, please come along so that we can have a look at the eczema", or "here's your confirmation that you are no longer infectious", and the like).

2 I don't leave medical records unattended

Patients' files must always be kept securely locked; ideally, they are further secured by an additional level of protection (i.e., in a locked cabinet inside a locked room; on premises with an installed alarm system, ...). The key to medical records must not be lying around to be accessible to anyone at the doctor's office.

3 I don't neglect nurses' GDPR training

All staff members must have been instructed about privacy and data protection rules, and you must be able to demonstrate this fact (by having staff sign a written instruction form).

4 I know when I need my patient's informed consent in writing

Informed consent is a crucial piece of documentation, not only for the delivery of healthcare as such but also for the handling of personal data. Informed consent itself contains sensitive data! For this reason, it is important that you remember when to require it in writing, and to make sure it becomes a part of the patient's record.

5 I don't talk about patient's personal diagnosis in the presence of others

You can't have more than one patient in your office at any given time unless you have everyone's explicit consent. Thus, if you "merely" need to finish your sentence to give your current patient complete advice on their medical situation but a second patient is entering the room, you will have to first ask them to return to the ante-room for a minute – even if you feel that the information you are communicating is trivial.

6 I don't force patients to shout their data through a speak hole at admission (nor loudly repeat it back at them)

To the extent that I need personal data from the patient – whether it be contact details, their personal condition, anamnesis, family history – I will make sure that this information is being collected in a manner that reflects its confidential character.

7 I don't leave files lying around in the waiting room

Documents, records, lab results, and other correspondence and written material containing personal data must not be freely accessible to patients or third persons – whether in the waiting room, or in the doctor's office, or anywhere else on the premises of the healthcare facility.

8 I am mindful of the pitfalls of modern technology

E-mail communication has become extremely common – but it's inexcusable to send an e-mail in error to someone other than the intended patient. Phone calls, too, may be treacherous: the patient on the other end of the line overhears everything going on in the doctor's office, including discussions with (or about) another patient.

9 I document providing medical services in medical records timely and comprehensively

It's the only way to avoid stiff sanctions – not only for violations of GDPR but also for a breach of healthcare laws and regulations.

10 I respect wishes and rights of my patient

This rule concerns both the administration of care and the communication of information to the patient (or to other persons about the patient).

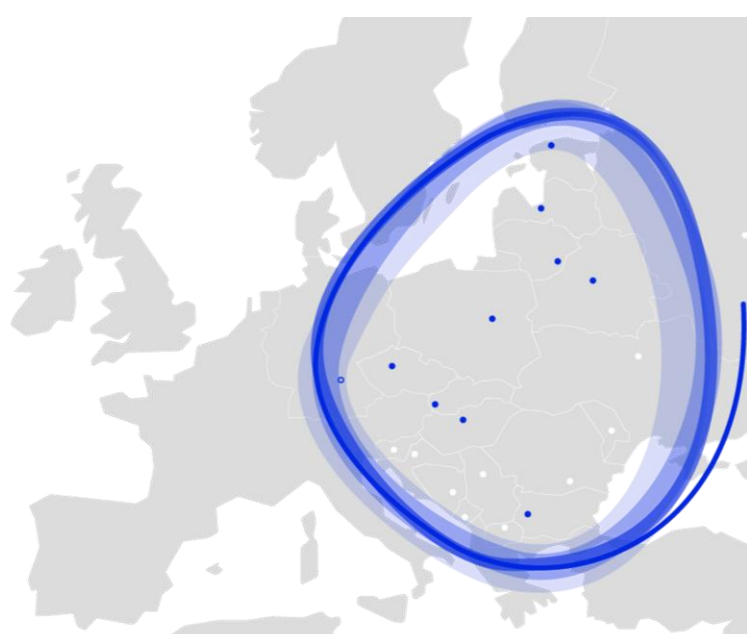
+ a bonus rule

Better consult an expert if a legal issue arises or if you are unsure

Not a few physicians try to avoid consulting enquiries or issues with a lawyer – primarily out of cost-consciousness. Typically, they appear in the lawyer's door only at a time at which the damage can no longer be prevented but at best be mitigated. Practice shows almost every day that preventative consultations with a lawyer pay off in the long run.

If you need additional information, or would like a review of your privacy policy or your internal documentation, or have any other questions to ask about healthcare law, drop us a line at gdpr@bnt.eu. We'll gladly help you forestall unpleasant interventions by the authorities and disputes with patients.

Contact



bnt law office in the Czech Republic is a part of the international law firm bnt attorneys in CEE based in 10 Central and Eastern European countries. Today a growing international Prague team of 40 lawyers, tax consultants and other experts offers legal advice to local and international clients in all core areas of business law.

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