

**BY ORDER OF THE COMMANDER
59TH MEDICAL WING**

**59TH MEDICAL WING INSTRUCTION
41-128**



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*Certified Current on, 5 October 2021
Health Services*

**PERSONS ALLOWED IN PATIENT
CARE AREAS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive, 41-1, *Health Programs and Resources*. This medical wing instruction (MDWI) provides the framework and establishes policy for protecting the privacy rights of our patients at the 59th Medical Wing in accordance with The Joint Commission (TJC). This instruction outlines guidance for persons other than authorized staff, such as medical students, interested providers, health care industry representatives (vendors), and surveyors that are allowed in patient care areas with evidence of patient consent. This instruction applies to all personnel assigned, attached, or on contract working at the 59th Medical Wing (59 MDW) with the exception of the 959th Medical Group. This publication requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by 10 U.S.C. 55, *Medical and Dental Care*, and E.O. 9397 (SSN). The applicable SORN F044 AF SG D, and Automated Medical/Dental Record System is available at: <http://dpclo.defense.gov/privacy/SORNs/SORNs.htm>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*. The authority to waive requirements is the publication approval authority. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, Management of Records, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

SUMMARY OF CHANGES

This publication has been revised. This rewrite of 59 MDWI 41-128 includes updated responsibilities.

1. Responsibilities.

1.1. The Commander, 59 MDW is responsible for the shadow program in his/her Medical Treatment Facility (MTF) and to any outside health care representatives allowed into the patient care areas IAW AFI 44-119, *Medical Quality Operations* Chapter 5 and TJC guidelines.

1.2. Commander. The 59th Medical Wing Commander or designated representative is responsible to determine the appropriateness of allowing individuals to shadow medical professionals. Approval will be based on the individual's age (16 or older), school affiliations, staff availability, and the needs of the Air Force Medical Service (AFMS) in coordination with the appropriate squadron commander(s)'s areas of responsibility. The shadow program is not designed to circumvent the establishment of a Training Affiliation Agreement. If the shadowing individual will be getting credit toward required curricula, a Training Affiliation Agreement may be required. (See AFI 41-108, *Training Affiliation Agreement Program*).

1.3. Group/Functional Area Tracking/Oversight. Shadowing personnel may be tracked at the group-level and/or by functional area. A Shadow Program Binder will be used for tracking and documentation of requirements. The binder will include identification by name, name of the applicable preceptor, and the signed Patient Confidentiality Statement (See Attachment 2).

1.3.1. Functional areas will identify a preceptor for all students and providers-in-training.

1.3.2. Functional areas will ensure all shadowing personnel have completed Health Insurance Portability and Accountability Act (HIPAA) training. The designated preceptor is responsible to ensure all required training is completed and documented prior to introduction into the designated patient care area(s). HIPAA training may be accomplished via several means – i.e., Joint Knowledge Online (<https://jksupport.jten.mil/Atlas2/faces/page/login/Login.seam>), or by slide review and testing (for civilian students). Contact the 59 MDW Privacy Officer to ensure that the correct method of training is utilized. The office of the 59 MDW SGH will retain documentation of HIPAA training for all individuals engaged in a shadow training.

1.3.3. Functional areas will ensure that the shadowing personnel meet all Employee Health Program requirements through Occupational and Environmental Health prior to the shadow program experience.

1.3.4. If members of the 59 MDW are engaged in patient care areas as part of a formal training program, they must in-process through their Division of Education and Training (DET) to schedule facility orientation and to complete applicable training IAW 59 MDWI 36-2601, *Human Resource Development*.

1.3.4.1. DET will determine the appropriate orientation requirements based on the member's program/needs – i.e, Reserve annual tour vs. resident, etc.

1.4. Designated Preceptor. The designated preceptor will ensure that shadowing personnel do not engage in any type of patient care. The designated preceptor will obtain verbal consent for observation and document consent in the medical record. Laboratory values, diagnostic images, ECGs, and pathology specimens may be viewed without patient consent within the context of the supervised shadow program.

1.4.1. Shadowing personnel. All shadowing personnel will coordinate with the respective group or Functional Area (or their representative) prior to their scheduled shadow experience. For example, nurses and nursing students would contact the group SGN office. Providers who are shadowing, contact the group SGH.

1.4.2. Sponsors for base access should be coordinated well in advance.

1.4.3. Shadowing personnel will be appropriately dressed in professional attire or school uniform.

1.4.4. Shadowing personnel will not engage in any type of patient care activities.

2. Interested Providers and Dentists.

2.1. The guidance for interns, residents and fellows of the San Antonio Uniformed Services Health Education Consortium is located in 59 MDWI 44-105, *Undergraduate and Graduate Medical Education Trainee Supervision*, and is managed by the Graduate Medical Education program office.

2.2. Interested providers and dentists, who will not provide patient care, but wish to visit the MTF and some of its patients, may do so by following the procedures established for shadow program.

2.3. Interested healthcare professionals who will be providing patient care must report to the Credentials Management office and accomplish the same privileging requirements as regular authorized/affiliate staff. Volunteer privileged providers must process through the Volunteer Program IAW 59 MDWI 38-101, *Volunteer Services*, so that malpractice insurance is covered as for government employees. Volunteer privileged providers must also follow guidance in DoDI 1100.21 and 10 U.S.C. § 1588(d)(1)(B) for purposes of the Federal Tort Claims Act (10 U.S.C. § 2733 and 28 U.S.C. §§ 2671-2680).

3. Health Care Industry Representatives.

3.1. Overall guidance for health care industry representatives is provided by 59 MDWI 31-101, *Medical Facility Physical Security Program*. Sponsors must be review this policy with vendors or healthcare industry representatives who will visit patient care areas located within the 59 MDW.

3.2. Healthcare industry representatives and commercial vendors that come to the 59 MDW shall not engage in unethical activities or behaviors which might appear inconsistent with good patient care. Sponsors are responsible for reporting any unethical activity to the 59 MDW/SGH.

3.3. The 59 MDWI 31-101, paragraph 7, states: “The movement of industry vendors must be monitored to **preclude any impact on patient care, minimize disruption to clinics, and ensure security**. All 59 MDW personnel are responsible for reporting any unauthorized representative or vendor movement within medical buildings, contact with patients, and

behavior which compromises or could compromise patient care or reflects negatively on Air Force medicine or this institution. Any and all such activity must be reported to facility management.” Exceptions to this prohibition may be granted on a case-by-case basis by the 59 MDW/CC or 59 MDW/CV. This authority is non-delegable.

3.4. Annual background checks, Government Watch List checks, HIPAA training, infection control training, immunizations, and other requirements for access will be tracked by the Symplr® Traffic Light System and confirmed by at the WHASC Information Desk for healthcare industry representatives and vendors with verified appointments. All other 59MDW facilities may contact the WHASC Information Desk at 210-292-4277 to receive verbal approval prior to allowing access.

4. Surveyors.

4.1. During performance of official duties, civilian accreditation surveyors and/or inspectors are permitted in patient care areas when accompanied by a MTF member of the staff.

4.2. Surveyors and inspectors (to include but not limited to: Accreditation Association of Ambulatory Health Care, College of American Pathologists, and others) will be issued a Visitor’s badge through the Office of Primary Responsibility (OPR) for the survey or inspection, e.g., Inspector General’s Office, Laboratory, et al. OPR will arrange for the Visitor’s badge(s) prior to arrival or immediately upon arrival (if “no-notice”).

5. Other Persons.

5.1. Visitors of patients, and patient escorts are not addressed by this instruction.

DANIEL K. FLOOD, Colonel, USAF, MC
Chief of the Medical Staff, 59th Medical Wing

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

The Joint Commission Comprehensive Accreditation and Certification Manual, current edition
AFPD 41-1, *Health Programs and Resources*, 3 October 2018
AFI 41-108, *Training Affiliation Agreement Program* 22 September 2014
AFI 44-119, *Medical Quality Operations*, 16 August 2011
59 MDWI 31-101, *Medical Facility Physical Security Program*, 30 January 2018
59 MDWI 38-101, *Volunteer Services*, 12 July 2018
59 MDWI 44-105, *Undergraduate and Graduate Medical Education Trainee Supervision*, 27
October 2015
59 MDWI 36-2601, *Human Resource Development*, 25 October 2017

Adopted Form

AF Form 847, *Recommendation for Change of Publication*

Acronyms and Abbreviations

AFMS—Air Force Medical Service
DET—Department of Education and Training
HIPAA—Health Insurance Portability and Accountability Act
IAW—In Accordance With
MDW—Medical Wing
MDWI—Medical Wing Instruction
MTF—Medical Treatment Facility
OPR—Office of Primary Responsibility
TJC—The Joint Commission

Attachment 2**NON-DISCLOSURE/PATIENT CONFIDENTIALITY STATEMENT**

59th Medical Wing
1100 Wilford Hall Loop
JBSA-Lackland TX 78236-5300

PATIENT CONFIDENTIALITY AGREEMENT

As a member enrolled in the Shadow program of 59th Medical Wing (MDW), you may have access to what this agreement refers to as "confidential information." The purpose of this agreement is to help you understand your responsibility regarding confidential information. Confidential information includes patient/member information, employee/volunteer/student information, financial information, other information relating to the 59th MDW. You may learn of or have access to, some or all of this confidential information through your shadow activities. Confidential information is valuable and sensitive and is protected by federal law, Health Insurance Portability Accountability Act (HIPAA) and by strict 59th MDW policies. The intent of these laws and policies is to assure that confidential information will remain confidential – that is, it will be used only as necessary to accomplish the organization's mission. You are required to conduct yourself in strict conformance to applicable laws and the 59th MDW's policies governing confidential information. Your principal obligations in this area are explained below. You are required to read and to abide by these duties. The violation of any of these requirements will subject you to discipline, which might include, but is not limited to, termination of participation in the shadow program, and to legal liability.

As a Shadow, you understand that you may have access to confidential information which may include, but is not limited to, information relating to:

Patients/members (such as records, conversations, admittance information, patient/member financial information, etc),

Employees/volunteer/students (such as salaries, employment records, disciplinary actions, etc.),

59th MDW information (such as financial and statistical records, strategic plans, internal reports, memos, contracts, peer review information, communications, proprietary computer programs, source code, proprietary technology, etc.) and

Third party information (such as computer programs, client and vendor proprietary information, source code, proprietary technology, etc.).

Accordingly, as a condition of and in consideration of your access to confidential information, you promise that:

1. You will use confidential information only as needed to perform your legitimate duties as a shadow affiliated with the 59th MDW. This means that:
You will only access confidential information for which you have a need to know; and
You will not in any way divulge, copy, release, sell, loan, review, alter or destroy any confidential information except as properly authorized within the scope of activities affiliated with the 59th MDW; and
You will not misuse confidential information or carelessly care for confidential information.
2. You will report activities by any individual or entity that you suspect may compromise the confidentiality of confidential information. Reports made in good faith about suspect

activities will be held in confidence to the extent permitted by law, including the name of the individual reporting the activities.

3. You understand that your obligations under this Agreement will continue after termination of your shadow opportunity.

4. You understand that you have no right or ownership interest in any confidential information referred to in this Agreement. The 59th MDW may at any time revoke your access to confidential information. At all times during your shadow opportunity, you will safeguard and retain the confidentiality of all confidential information.

5. You will be responsible for your misuse or wrongful disclosure of confidential information and for your failure to safeguard access to confidential information.

I hereby acknowledge that I have read and understand the foregoing information and that my signature below signifies my agreement to comply with the above terms.

Date: _____

Signature: _____

Print Name: _____

Preceptor: _____