

County of Santa Clara Santa Clara Valley Health and Hospital System Surveillance Use Policy

Telephonic and Voice Recording Equipment

1. Purpose

The Santa Clara Valley Health and Hospital System (SCVHHS) delivers daily the full range of medical services to the most vulnerable members of the Santa Clara County population, and is committed to establishing and maintaining service centers, health centers, and hospital facilities with a workplace that is effective, efficient, secure and safe for clients, patients, and employees. In furtherance of this purpose, SCVHHS and its authorized employees shall use telephonic and voice recording technology, only with advance notice to callers through a pre-recorded message, to audio-record call-center telephonic communications (i.e., phone calls by members of the public with SCVHHS call-center representatives), including, for example, telephonic requests for assistance, requests to make medical appointments, and requests to access medical care.

For these purposes, SCVHHS currently uses Cisco UCCX Finance and Calabrio technologies.

2. Authorized Use

A pre-recorded message shall inform all callers that calls are recorded for monitoring and quality control purposes.

The telephonic and voice recording equipment shall be used for County business purposes only, to enable assigned social workers, eligibility workers, health service representatives (HSR), PBX operators, and medical providers to accurately capture, report, and validate telephonic communications to the SCVHHS call center, to better provide critical assistance and services, and to monitor and evaluate the effectiveness of the assistance and services. This technology shall create an accurate audio-record of reports, requests for further processing, and SCVHHS's response and resource allocation. For example, it shall be permissible for the following types of communications to be recorded:

- Appointment scheduling, and to provide patient navigation for medical and dental services;
- Language services interpretations;
- Pharmacy prescriptions;
- Customer relations issues;
- Patients' requests for inpatient information or physician contact;
- Health care guidance.

SCVHHS management responsible for oversight of patient and customer calls to the SCVHHS system shall be authorized to listen to communications and review recordings for the County business purposes described in Sections 1 and 2 of this Policy, including assessing or investigating behavior or activity that appears to be unauthorized, in violation of department or County policy, illegal, or in furtherance of illegal activity; and to assist with the safety of employees and patients. These recordings shall also be used for training purposes.

It shall be permissible for audio recordings for a specific instance to be made available for County administrative investigations, as well as to respond to law enforcement inquiries or provide law enforcement authorities or the court with specific recordings regarding behavior or activity that reasonably appears to SCVHHS management to be unauthorized, in violation of department of County policy, illegal, or in furtherance of illegal activity. Protected health information (PHI) access and disclosure shall be limited to the extent required by patient privacy laws and regulations, as assessed by the Ethics, Privacy and Compliance Office at SCVHHS.

The technology and resulting recordings shall be used for County business purposes only, not personal purposes; and shall not be used to harass, intimidate, or discriminate against any individual or group.

3. Data Collection

The technology shall collect audio recordings as described in Sections 1 and 2 of this Policy.

4. Data Access

Data access shall be restricted to the following County management and staff members:

- The SCVHHS Director, the Santa Clara Valley Medical Center (SCVMC) Chief Executive Officer and Chief Operating Officer, and their written designees for a County business purpose only, in compliance with this Policy;
- The County Chief Information Officer and Technology Services and Solutions (TSS) staff designated in writing by the Chief Information Officer;
- SCVHHS Management in the following departments: Valley Connections, SCVMC Dental, SCVMC Language Services, Pharmacy, Phone Advice, Specialty Services Authorizations, SCVMC Provider Paneling, and SCVMC Customer Relations, with respect to data relating to their departments;

County Counsel working with SCVHHS Management and the County Chief Information Officer if it is determined that access is reasonably necessary for a specific criminal, civil, or administrative investigation or action.

Efforts shall be made to keep the total number of designees with access to the data as low as possible within the constraints of this Policy.

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5. Data Protection

All call-center data from the technology shall be stored in a secure location, accessible only to authorized staff members, and password protected. All SCVHHS telephonic and voice records shall be maintained in a secure, encrypted database managed by TSS administrators.

6. Data Retention

All data addressed under this Policy shall be retained in accordance with SCVHHS Medical Records and Destruction and Documentation Schedules, but in all cases for a maximum of three years before they are destroyed. Exceptions to this retention and destruction schedule shall include:

- Copies of recordings for a specific criminal, civil, or administrative investigation or proceeding shall be retained for at least the duration of the investigation or proceeding before being destroyed in accordance with any data retention law or policy that applies;
- Copies of recordings retained pursuant to a County Counsel Notice to Preserve Documents/Litigation Hold Request per Santa Clara County Litigation Hold Policy-Board Policy 3.56, shall be retained for at least as long as the Litigation Hold remains in effect.

7. Public Access

All public requests for access to recording data shall be provided in writing to the designated Information Systems or Application Administrator for consideration. If a California Public Records Act (CPRA) request, subpoena, or court order is issued for such data, the data shall be made public or deemed exempt from public disclosure pursuant to state or federal law, after consultation with the Office of the County Counsel as needed.

8. Third-Party Data-Sharing

Third party data sharing shall be limited to only the following:

- Law enforcement agencies as part of a specific criminal investigation;
- Parties in litigation involving the County, in response to a subpoena or civil discovery;
- County Personnel Board, arbitrator, or Court regarding a county administrative action or litigation, provided appropriate court orders have been obtained;
- Other third parties, pursuant to a Court Order;

PHI disclosure shall be limited to the extent required by patient privacy laws and regulations.

9. Training

Personnel involved in the operation of the recording technology and in the access of data from it shall be appropriately trained and shall be made aware of this Policy.

10. Oversight

The SCVHHS Director, County Chief Information Officer, and other members of SCVHHS management as designated in writing by the SCVHHS Director shall be responsible for overseeing the implementation of this Policy, and compliance with it. The SCVHHS Director and the SCVMC Chief Executive Officer or SCVHHS management as designated in writing by one of those individuals shall periodically receive oversight records. The assigned SCVHHS Information Systems or Application Administrator shall oversee the administration and operation of all call center recordings by reviewing reports that address the use of the recordings. The Administrator shall conduct scheduled and random inspections of call center operations, telephone and voice records as he/she deems necessary.

Any employees found to have violated this Policy shall be subject to possible discipline, up to and including termination of employment. Violations of this Policy shall be reviewed by the SCVHHS Director or designee(s) with the assistance of the Labor Relations Department and the Office of the County Counsel.

Approved as to Form and Legality

 12/31/19

Rob Coelho
Office of the County Counsel