

Investigation to Walgreens a Reminder for Diligence in Patient Privacy

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On March 19, 2014, *The Wall Street Journal* reported that the Office for Civil Rights of the U.S. Department of Health and Human Services—the entity responsible for enforcing patient privacy laws—has launched an investigation as to whether a new pharmacy design launched in 600 of Walgreens' 8,200 stores could compromise patient privacy.

Allegedly the new store design, which moves pharmacists from behind a counter in the back to desks in high traffic areas of the store—where they can better interact with customers—leads to drugs and patient information being left visible and/or unattended as pharmacists frequently move around the store to perform a variety of job responsibilities.

While Walgreens defends the design, which reportedly has been approved by the Boards of Pharmacy of 30 states, and which includes enhanced security such as locked drawers and security cameras, the government's inquiry raises concern for those in urgent care and other medical practices who are likewise moving from private physician offices towards a more open, collaborative, and flowing office environment.

Whether right or wrong, fact is the Federal Government is looking for increased revenue in the form of fines and penalties. And with the Affordable Care Act, health care is becoming increasingly visible among consumers and the press. The government's investigation of Walgreens reinforces the importance to urgent care operators of developing and adhering to privacy and security policies to assure the appropriate safeguards against involuntary disclosure.

In your center, is there a risk that a patient walking by a medical station could see or pick up a patient chart or other private health information? What about pharmaceuticals or script pads—are they secure at all times? When interacting with patients at the front desk, is the staff cognizant of other patients standing nearby who might overhear a conversation—and if so, does your facility accommodate moving patients to a more private counseling setting?

Some urgent care centers have already incorporated private consultation rooms—approximately 100 square feet consisting of a table and three or four chairs in which providers can make telephone calls and interact with patients one-on-one, outside of the clinical setting of an exam room.

Like retail pharmacy, urgent care has transformed the delivery of medical services. But in our quest to provide an efficient and patient-friendly experience...we must remain mindful of regulations designed to protect patient patients and understand that enforcement is functioning under more conventional delivery paradigms.



Photo by Alan Ayers.



Photo from Drug Store News.