

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

**Professional Research Consultants Communication Technology**

**1. Purpose**

The Santa Clara Valley Health and Hospital System (SCVHHS) contracts with a third-party contractor, currently Professional Research Consultants (PRC), to conduct patient satisfaction surveys in compliance with Centers for Medicare and Medicaid Services (CMS) regulations. PRC is a certified vendor for CMS-mandated surveys and conducts telephonic patient satisfaction surveys for patients who have had recent hospital stays or have been seen as an outpatient at Santa Clara Valley Medical Center.

**2. Authorized Use**

Pursuant to County contract terms, the County's contractor shall record all phone calls with patient respondents for Quality Assurance (QA) monitoring purposes by the County. The audio recording shall consist of patient voice responses to two pointed questions: one designed to drive recognition for outstanding experiences and the second to solicit areas for improvement. Only recordings where the patient/respondent has given permission to use the recording shall be made available to SCVHHS. Recordings shall be available to only the SCVHHS Director, the Santa Clara Valley Medical Center (SCVMC) Chief Executive Officer (CEO) and SCVMC Chief Operating Officer (COO), and their specific written designees. These recordings shall be available to those individuals for only six months from the initial date of posting on the PRCEasyview@.com website, which shall be log-in and password protected.

When the SCVHHS Director, SCVMC CEO, and SCVMC COO request an audio recording, the PRC system automatically extracts the portion of the call that contains the answer to the relevant question and presents the audio to the end user. The audio recordings from PRC shall be used for County business purposes only, including to enable the County to improve patient experiences at SCVMC. It shall also be permissible for the SCVHHS Director, SCVMC CEO, and SCVMC COO to make audio recordings available for 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 appears to be unauthorized, improper, 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.

The recordings shall not be used for non-County business purposes or other personal purposes. The data shall be used in a legal manner, including providing advance notice and obtaining consent from those being recorded; 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 to the voice recordings shall be restricted to the following County management and staff members:

- SCVHHS Executives, including the SCVHHS Director, and their written designees, for quality assurance purposes or 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.

The contractor shall not allow any non-County individuals to access the data it stores without a court order.

### **5. Data Protection**

Recordings shall be stored securely by PRC, accessible only to authorized staff members, and protected by secure log-in requirements and password(s).

### **6. Data Retention**

The data addressed under this policy shall be retained in accordance with SCVHHS records retention and destruction schedules, but in all cases for a maximum of 24 months before they are destroyed. Exceptions to this retention and destruction 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 System 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.

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## 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;
- Other third parties if approved by the SCVHHS Director in writing, for County business purposes.

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 and Technology Services and Solutions Administrators shall be responsible for overseeing the implementation of this Policy, and compliance with it. The SCVHHS Director and the SCVMC CEO and SCVMC COO and their written designees shall receive and review monthly oversight records.

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



Rob Coelho

Office of the County Counsel