



City and County of San Francisco
Daniel Lurie, Mayor

San Francisco Department of Public Health

Daniel Tsai
Director of Health

San Francisco Department of Public Health

Policy & Procedure Detail

Policy & Procedure Title: C.4.0 Use of Protected Health Information in Disciplinary Investigations and Proceedings	
Category: Privacy	
Effective Date: 9/24/2007	Last Reviewed/Revised Date: 02/19/2026
DPH Unit of Origin: Office of Compliance and Privacy Affairs	
Policy Contact - Employee Name and Title; and/or DPH Division: Office of Compliance and Privacy Affairs (OCPA)	
Contact Phone Number(s): 855-729-6040	
Distribution: DPH-wide <input checked="" type="checkbox"/>	If not DPH-wide, other distribution:

**All sections in table required. Updated 2/2026*

I. Purpose and Scope:

- A. **Purpose:** It is the policy of the San Francisco Department of Public Health (DPH) to have a process in place for providing de-identified patient protected health information (PHI) to employee representatives who have requested such information pursuant to a disciplinary matter.
- B. **Scope:** To comply with Federal and State privacy laws and to ensure that employee representatives properly access confidential information that is material to a disciplinary action while maintaining patient, client, and resident rights to the privacy of their PHI. Pursuant to the due process protections outlined in Skelly vs. State Personnel Board, DPH recognizes the right of employee representatives to have access to all materials supporting a proposed disciplinary action. ZSFG Administrative Policy 8.21 applies to the access and use of PHI that is not contained in the documents that are provided to an employee as part of the Skelly process.

II. Procedure for Use of PHI:

- A. **Request for Records:** An employee representative who seeks access to PHI for purposes of representation in a disciplinary matter shall submit a written request to the DPH Human Resources Labor Division.

1. Requests for information will be processed, unless the requests involve a

large volume of documents, or the DPH Human Resources Labor Division is concerned that the request is overly broad or vague. In those cases, a time shall be arranged for the employee representative to go to the appropriate Medical Records Department within DPH to review the records. The employee representative shall then mark the documents that he or she wishes to have copied.

2. If a dispute remains regarding the request, the parties shall meet and confer. The parties will make reasonable adjustments to disciplinary and grievance timelines during the pendency of any such dispute. If the parties cannot reach an agreement within 30 days of the date originally scheduled for the Skelly meeting, the Department will proceed with the disciplinary process.
 3. Absent a dispute over the scope, or once agreement has been reached, the Medical Records Department shall copy the requested records, redact patient identifying information, and forward the records to the DPH Human Resources Labor Division.
 4. The DPH Human Resources Labor Division shall forward the records to the employee representative.
- B. **Return of Records:** Upon conclusion of the disciplinary matter, the employee representative shall return the records to the DPH Human Resources Labor Division, which, in turn, shall return the records to the Medical Record Department for filing or destroying.
- C. **Request to Speak with Patient:** If either an employee or human resources representative wishes to speak directly with a patient or client, that request shall be submitted from the DPH Human Resources Labor Division to the appropriate DPH Risk Management Division. DPH Risk Management shall contact the patient's/client's primary provider, or upon request, another member of the care who is responsible for the patient. The primary provider shall then contact the patient /client and ask whether s/he is willing to speak with the employee and human resources representatives and, if yes, to arrange for a time for a joint interview.
- D. **Access by Representative:** An employee representative may not access PHI directly (i.e. viewing medical records, whether it be paper documents or electronic records, or interviewing patients/clients). Such an act may result in disciplinary action against the employee representative (if that employee representative is also a DPH employee), or barring that employee representative from DPH facilities.