

HIPAA and COVID-19

Frequently Asked Questions



Who am I allowed to share PHI with if a patient is positive for COVID-19?

If a patient under your care is positive for COVID-19 you can permissibly disclose their PHI without consent only in specific, limited circumstances under the HIPAA Privacy Rule most notably to authorized public health authorities and those at risk of contracting/spreading the disease. Even in these cases, the PHI should be limited to the minimum information necessary. Read up on all the unique circumstances in our [recent blog article](#). The OCR defers to the health professionals judgement about the nature and severity of the threat when determining if PHI should be shared. Disclosing patient information to the media or the public at large without written authorization is generally not permitted and is subject to HIPAA noncompliance penalties.

What are the requirements to have staff work remotely and maintain security requirements?

If the decision to work remotely is made, health care providers should ensure that staff are taking the same security measures necessary when working off-site during normal operations. PHI and ePHI must still be encrypted, transmitted and accessed securely, and all applicable technical safeguards should be in place. If using telehealth services to continue to diagnose and treat patients remotely, using as secure of an application as possible is still required, though the government has issued a waiver relaxing typical security requirements in light of COVID-19. [Read more in our blog article](#).

What happens if a staff member or doctor suspects they have COVID-19?

The CDC recommends that healthcare professionals report their temperature and any symptoms each day before starting work. If any symptoms consistent with COVID-19 are developed, or they suspect they may have COVID-19, they must cease patient care activities. The CDC released a guidance risk assessment providing potential exposure scenarios and recommendations specific to healthcare professionals who may come into contact with this virus, [found here](#). Your practice must still follow the HIPAA Privacy Rule and use clinical judgement to determine the necessity of notification to any other staff members and/or patients who may have come into contact with the potential COVID-19 case within the past 14 days.

What does the most recent OCR Bulletin & Limited HIPAA Waiver mean for me?

The OCR has released two bulletins regarding loosening HIPAA regulations. In the first, released March 15, 2020, the OCR allowed covered hospitals to waive certain provisions of the HIPAA Privacy Rule. These waivers do not apply to independent practices.

A more recent bulletin released March 17 announced an update to their enforcement of noncompliance violations specifically regarding telehealth services. Due to the current public health emergency, providers of any size are authorized to provide services over non-HIPAA compliant video or audio communication to both reduce the risk of exposure as well as allow for the assessment of a greater number of patients. Read more on both bulletins at [hhs.gov](#).



abyde.com
800.594.0883
info@abyde.com