

HIPAA Concerns & Medical Privacy with COVID-19

HR has fielded a number of questions this week, so felt it would be helpful to address this with the leadership group.

Protected Health Information (PHI)

Federal law protects individuals from the unnecessary sharing of protected health information or PHI. This is defined as any information about health status, provision of health care, or payment for health care that is created or collected and can be linked to a specific individual. Medical information is PHI and must be handled appropriately.

Medical Information

It is important to clarify that the use of the term “medical information” in this document refers to general diagnosis, treatment, or prognosis shared by the employee or provided through a doctor’s note. It is not detailed medical information from our self-insured healthcare program. (That data is extremely secure and restricted).

Employment Application

The restriction of sharing PHI does not automatically apply to all discussion and/or sharing by a supervisor with those who have a legitimate need to know.

- HR **may** share medical information linked to ADA, FMLA, or L&I with a Supervisor if the Supervisor needs to have specific information in order to make informed decisions about their work area.
- A Supervisor **may** share medical information with their EO/DH in order to make informed decisions about their work area.
- A Supervisor, EO, or DH **may** share medical information in consultation with HR.
- A Supervisor, EO, or DH **may not** share medical information with others in the department even though it is well-intentioned intended (e.g. out of shared concern; to warn others to stay away due to their own health concerns).

Applied to COVID-19

Departments should continue to track COVID-19 situations and leave in a detailed manner to:

- a) Make sure that we are making all supports available to the appropriate employees; and
- b) Make sure that we have the ability to recoup any and all State or Federal aid available to Grant County.

Departments should continue to share medical information with those that have a legitimate need to know. This data must be stored securely and only accessible by those designated to have access.

The type of data shared should be as restrictive as possible. For example: the department's payroll processor may need to know that someone is out on "COVID Leave" but may not need to know the specifics of the event the employee is experiencing (e.g. ill, family member ill, high-risk, etc.)

Individuals with approved access to medical information are **restricted from** sharing this data in any non-authorized, non-official manner. An action of this sort would be in violation of HIPAA and subject to potential disciplinary action.

Privacy Concerns

Consultation on process or complaints of privacy concerns can be addressed to the Human Resources Director.