

COMPLIANCE BULLETIN

HIPAA Privacy Rule and the Coronavirus Outbreak

The U.S. Department of Health and Human Services (HHS) issued a [bulletin](#) to remind covered entities and their business associates that the HIPAA Privacy Rule's protections still apply during a public health emergency, such as the current COVID-19 outbreak. The bulletin also outlines the different ways that patient information may be shared under the Privacy Rule during a disease outbreak or another emergency situation.

The Privacy Rule only applies to covered entities and their business associates, and not to employers. In general, **medical information that is provided to an employer directly by an employee is not subject to the Privacy Rule**, although other federal and state privacy restrictions may apply, including the Americans with Disabilities Act (ADA). However, information that employers receive from their health plans is subject to the Privacy Rule and generally cannot be used for employment purposes.

In addition, HHS issued the following HIPAA guidance for the COVID-19 public health emergency:

- HHS [announced](#) that it will not impose HIPAA penalties on health care providers that serve patients through everyday communication technologies (such as FaceTime or Skype).
- HHS issued a [notice of enforcement discretion](#), providing that it will not impose HIPAA penalties for certain uses and disclosures of protected health information (PHI) by business associates for public health and health oversight activities.

This Compliance Bulletin contains HHS's guidance regarding HIPAA compliance during the COVID-19 outbreak.

Action Steps

Covered entities and their business associates should review HHS' guidance regarding the protection of health information during an outbreak of infectious disease.

Provided to you by [Pierce Group Benefits](#)

HIPAA Privacy Rule

- The HIPAA Privacy Rule applies to covered entities and their business associates.
- The Privacy Rule sets limits on when an individual's PHI can be used or disclosed without his or her written authorization.
- HHS issued a bulletin to summarize how PHI may be shared under the Privacy Rule during an outbreak of infectious disease.
- HHS is also allowing business associates to share PHI for public health and oversight activities in certain situations.

Impact on Employers

- Employers are not directly subject to the Privacy Rule.
- In general, medical information that employees provide to their employers is not subject to the Privacy Rule.
- This information may be subject to other privacy restrictions, such as the ADA.



PIERCE GROUP BENEFITS