

CORONAVIRUS DISEASE 2019 (COVID-19)

HIPAA Privacy and Novel Coronavirus Disclosures to Homeless Shelters or Public Health Authorities – FAQ



Audience: Community Health & Well-Being, Integrity and Compliance Officers, Legal Counsel

Revision Date: 04/20/2020

Version: #1

COVID-19 Response Team Owner: Planning

Date of Last Review: 10/16/2020

Important: The following questions and answers are based on the federal HIPAA law. State laws may be more stringent and prohibit disclosures without patient consent. Please consult with your Ministry Legal Counsel if you have questions.

Question	Answer
1. Do HIPAA regulations allow for a provider to disclose Protected Health Information (PHI) upon request from a Public Health Authority or Disaster Relief Organization without the patient's consent.	Yes. Subject to any state law prohibition. A request from a public health authority, such as the CDC or a state or local health department, that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury or disability is allowed. If the patient has a confirmed COVID-10 test, then the provider will report to the appropriate public health agency and that agency will be responsible for contacting other third parties as needed, such as homeless shelters.
2. Do HIPAA regulations allow a provider to disclose Protected Health Information (PHI) directly to a homeless shelter without the patient's consent in a public health emergency?	<p>The Office of Civil Rights (OCR) has expanded the HIPAA disclosure permissions to address the COVID-19 declaration of emergency. However, the expansion did not include homeless shelters.</p> <p>HIPAA does permit a covered entity to disclose PHI as necessary to prevent or lessen a serious and imminent threat to the health and safety of the public. The disclosure must be consistent with applicable law and standards of ethical conduct and must be made to a person or persons reasonably able to prevent or lessen the threat. We believe a provider's disclosure of PHI to a homeless shelter would meet the above exception standard in the following circumstances:</p> <ul style="list-style-type: none">• If disclosure has been directed by a Public Health Authority or Disaster Relief Agency (see #1 above);

- If disclosure is requested directly by a homeless shelter representing that such information is necessary for the shelter to take actions needed to prevent or lessen a serious and imminent threat to the health and safety of a person or the public; or
- A Ministry's infection control leader determines that such disclosure is necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public.

In all cases, reasonable efforts must be taken to limit the information disclosed to a shelter to the minimum necessary for the intended purposes. Patients must have identified the homeless shelter as a recent place of residence. Disclosure methods must apply the administrative, physical, and technical safeguards of the HIPAA Security Rule.