

CORONAVIRUS DISEASE 2019 (COVID-19)

HIPAA Privacy and COVID-19 When Colleagues Are Patients



Audience: All Colleagues

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The following information is based on the federal HIPAA law and Human Resources' colleague confidentiality standards. This guidance specifically addresses colleagues who become ill and are being treated as patients.

Trinity Health is both an **employer and the provider of care**. HIPAA covers the protected health information (PHI) of all patients, including colleagues who become patients in our facilities. When colleagues become patients, they are entitled to all rights under federal and state privacy laws. Protected Health Information (PHI) cannot be shared with their employer without the colleague (who is now a patient)'s written authorization. Examples of PHI include, but are not limited to, name, diagnosis, current medical condition, level of care, discharge status, etc.

Trinity Health maintains human resources records for every current and former colleague. It is Trinity Health's policy to protect each colleague's right to privacy in the maintenance of their human resources records. In addition, to federal laws, there may also be state laws which provide additional privacy protections to colleagues. While confidential, the colleague HR file is not considered PHI and is exempt from HIPAA.

How do I protect our work colleagues' right to patient privacy under HIPAA?

- Supervisors and other colleagues should not visit their work colleagues in a hospital room (currently restricted under no visitor policies) or other care setting without first obtaining the permission of the colleague.
- Supervisors and other colleagues should not disclose the names or medical conditions of work colleagues for purposes of seeking prayers, support or condolences on social media including Trinity Health Yammer, without the authorization of the colleague, or his/her family if the colleague is not able to provide authorization.
- Colleagues should not repost media notices (or information included in notices) related to a work colleague without the colleague or family's authorization.
- A work colleague's personal contact information should not be shared for purposes of providing patient/family support unless the colleague and/or colleague family's authorization is obtained.
- If there are additional questions, please contact your Ministry Privacy Officer.