

# Frequently Asked Questions: COVID-19 HIPAA



*Updated April 17, 2020*

## **What should I do if a patient I encountered is being tested for COVID-19 or may have been confirmed as positive?**

With the widespread community transmission that now exists, we advise all team members to self-monitor for symptoms. Please follow the most current guidelines in Banner's [COVID-19 toolkit](#). You may not access the patient's chart or ask anyone else to confirm results unless you have an approved business need to do so. Instead, if you feel you may have an increased risk of exposure, such as a failure in PPE or lack of PPE with a potentially positive patient, notify your direct leader and enter a [work-related injury/incident report](#). Direct leaders: Please follow normal exposure protocol/follow-up.

## **Can I access a patient's EMR (electronic medical record) to confirm their COVID-19 test results if someone is concerned about possible/potential exposure?**

No. Accessing records out of curiosity and/or personal concern is strictly prohibited. Banner health care workers can only access a patient's EMR when they have an approved business need to do so. If you're unsure about whether you have an approved business need, please reach out to your leader, Area Compliance Director or the Banner Privacy Department with questions/concerns.

## **If I'm concerned about a colleague potentially being positive for COVID-19, can I ask my leader to confirm?**

In alignment with the laws protecting employee privacy and medical information, we cannot disclose or discuss whether a specific employee tested positive or has COVID-19 symptoms. With the widespread community transmission that now exists, we advise all employees to self-monitor for symptoms. If an employee does test positive, or is out with COVID-19 symptoms, they are required to follow our return-to-work process and would not be released to return to work until they are cleared to do so.

## **If I see someone I know being tested for COVID-19 at Banner, or has tested positive and is a Banner patient, should I notify friends/family to keep everyone safe?**

No. Strict adherence to HIPAA guidelines apply, even to COVID-19 scenarios, just as before. We do not disclose patient health information (PHI) inside or outside of Banner without an approved business need or as required by law. For more on approved disclosures, please contact the Banner Privacy Department and/or visit our [intranet page](#) for more guidance.

## **My coworker told me about a patient who tested positive. I haven't worked with the patient but am scheduled to on my next shift. Is this a violation on the part of my co-worker?**

Depending on your normal communications regarding patient conditions, this may or may not be a privacy violation. We will work with department leadership to make a determination whenever we receive a potential incident report.

## **If I see on the news that we have a patient who tested positive, am I free to tell others?**

No. If you know anything about the patient due to the nature of your job, you may not disclose any PHI outside of your normal job duties or as required by law.

## **How do we respond to requests from the news media about the COVID-19 cases we are treating?**

All requests from any media outlets should be routed to our PR/Communications department. In keeping with our zero-visitor policy, which includes members of the media, our PR team will coordinate all media interviews. If you are contacted by media, please notify the PR team by emailing [Media@bannerhealth.com](mailto:Media@bannerhealth.com) or (if after hours) calling 602-747-3080.

## **In the event that Banner has a COVID-related death in house and the media requests confirmation or further information, what can we disclose, and can we respond?**

As a reminder, all requests from any media outlets should be routed to our PR/Communications department. In general, if someone calls requesting information on a deceased patient (COVID-19 related or not) we would follow our normal protocol. If the patient is listed as NINP (no information, no publication), Banner is to state "We have no information on that person." If the patient is not listed as NINP, Banner can acknowledge

their status as a patient and provide their general condition (i.e.: critical, stable, deceased, treated and released). We cannot disclose any further info such as date, time or cause of death without getting the proper authorization from appropriate next of kin.

**What can I share on social media about Banner patients who are being tested or have tested positive?**

Patient information should never be shared on social media (including in private or closed groups), as you could be in violation of HIPAA. Remember, it's extremely difficult to anonymize a patient, and even the most subtle information can potentially re-identify someone. No information whatsoever, including the suspected or known presence of any patient, should be divulged outside of patient care needs, under any circumstances.

**Can I share information about a Banner patient who is being tested or has tested positive within a closed Facebook group, if only Banner employees are part of the group?**

Patient information and PHI is not approved or allowed to be disclosed, transmitted or stored on Facebook (including in private or closed groups). This social media platform is not approved for secure use or storage of patient information. Please utilize approved Banner solutions (i.e., Banner O365 programs such as Teams, OneDrive, Outlook) if you have an authorized business need. If you have questions about what's approved or how to access these solutions, please reach out to the Privacy or Cybersecurity Department.

**Will there be any leeway on sanctions in the event of privacy violations that occur with everyone's best interest in mind?**

Sanctions will be issued according to policy, as with any other time.

**Is Banner required to notify Emergency Medical Services (EMS) of positive COVID-19 results for patients they're transporting or have transported?**

Yes, Banner has an established communication process in place involving nursing leadership and pre-hospital coordinators. Using this process, Banner will advise EMS if we're aware a patient is confirmed COVID-19 prior to EMS transport of the patient. Regarding notification post-transport, Banner is required by the Ryan White Act to notify EMS of patients whom they transported that test positive and we are following our communication process.

**Is Banner allowed to provide COVID-19 patient information to correctional institution or law enforcement officials?**

Yes, but only in certain circumstances. HIPAA permits Banner to disclose "minimum necessary" information of an individual who has been infected with, or exposed to, COVID-19, to law enforcement, paramedics, other first responders and public health authorities. This includes when disclosure is needed to provide treatment and when responding to a request for PHI by a correctional institution or law enforcement official having lawful custody of an inmate/individual, but only if the facility or official represents that PHI is needed for:

- providing health care to the individual;
- the health and safety of the individual, other inmates, officers, employees and others present at the correctional institution, or persons responsible for the transporting or transferring of inmates;
- law enforcement on the premises of the correctional institution; or
- the administration and maintenance of the safety, security and good order of the correctional institution.

If you have any additional questions or concerns, please reach out to the Banner Privacy Office.

**Can we Facetime, Zoom, etc. with patients to provide telehealth care remotely?**

No. Banner Telehealth is working diligently to provide telehealth platforms and services for our organization systemwide. The ambulatory platform, eVisit, went live in various locations the week of March 23. An acute-care platform, VeeMed, has begun a phased rollout to specific hospitals for treatment of COVID-19 patients. Banner will not support alternative applications such as Facetime, Zoom, or Google Duo. For more information, please review Banner Telehealth's [position statement](#) or reach out to the team directly at [Telehealthquestions@bannerhealth.com](mailto:Telehealthquestions@bannerhealth.com).

**With the zero-visitor policy in effect, can patients use their personal devices to virtually visit with their family and friends?**

Yes, patients are permitted to use their own personal device to virtually visit (via FaceTime, Skype, Zoom, etc.) with their family and friends while in a Banner facility. Our staff is also permitted to assist patients in

setting up virtual visits using the patient's device if requested, but staff are not permitted to use their own personal devices. When a virtual visit is requested/occurring, please remind patients of the following:

- Do not include any other patients in the virtual visit unless the patient has provided consent to be included.
- Do not include any staff members in the virtual visit unless the staff member has provided consent to be included.
- Please be aware of your surroundings, the virtual visit should be done in private, not in a public clinical area (such as a hallway in the unit, nurses' station, pre-op/PACU).

Additionally, virtual visits are not a substitute for a Telehealth visit. We recommend against using a family/friend's virtual visit during procedures or discussions with medical staff. Staff should provide updates to family and friends via telephone and with proper authorization.

**What if a patient would like to do a family/friend virtual visit but do not have a device with them, or their device does not support a virtual visit?**

Banner has implemented a virtual visit process where a Banner-managed device, such as an iPad, can be provided for the patient to use with family or friends. The same precautions listed above apply in this scenario. If you have a need for a virtual visit device, please reach out to your facility Clinical Care Operations (CCO) contact. If you're unsure who your CCO contact is, contact Cailey Colombo, [Cailey.Colombo@bannerhealth.com](mailto:Cailey.Colombo@bannerhealth.com), and she can route you to the appropriate individual.

## PRIVACY RESOURCES

- Visit the Privacy [intranet page](#)
- Email [Privacy@bannerhealth.com](mailto:Privacy@bannerhealth.com)
- Call the Privacy Department: 602-747-8157
- Report a HIPAA Privacy Incident [here](#)
- Area Compliance Directors - [E&C Org Chart and Facility List](#)

## PRIVACY OFFICE PERSONNEL

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