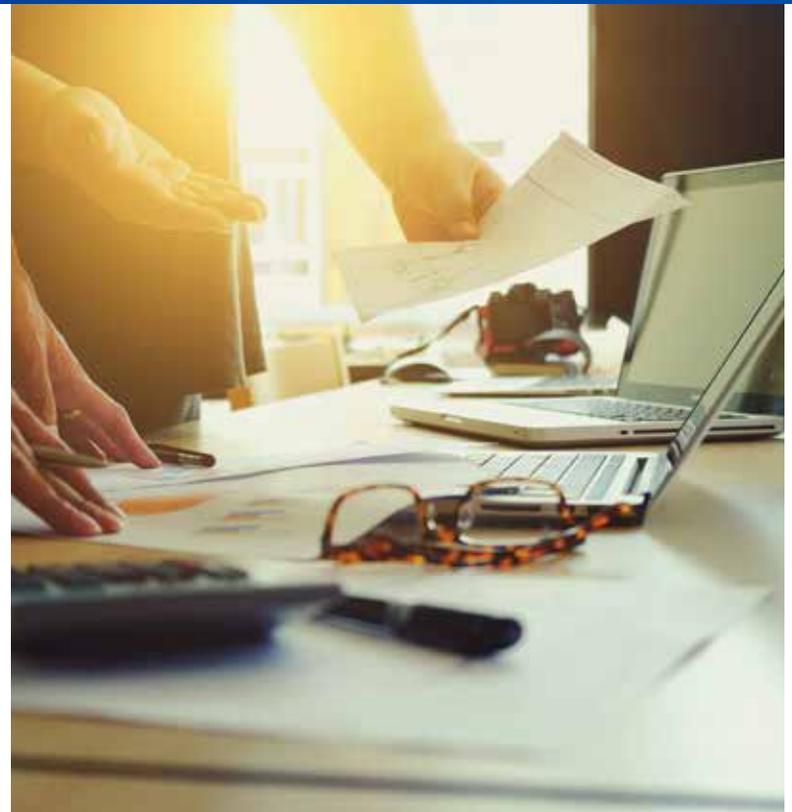




# Business Continuity of PHI Disclosure Management During COVID-19

The impact of the COVID-19 pandemic has been felt by individuals, families, companies, communities and healthcare providers across the United States and worldwide. During this time of confusion and uncertainty, MRO has taken measures to address critical issues and ensure business continuity of release of information (ROI) for our customers, our team members and the healthcare industry.



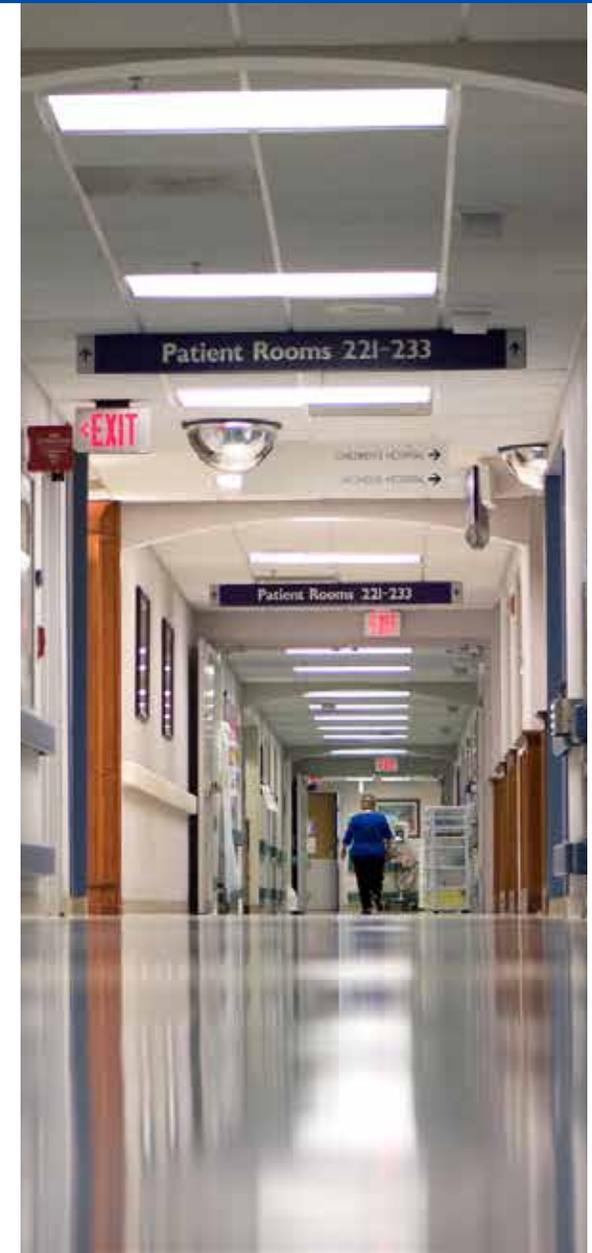
# Current Landscape

## Healthcare challenges right now

We have an overwhelmed healthcare environment faced with a shortage of resources to meet increased demands for patient care and COVID-19 treatment. As part of successfully managing through this crisis, health information management (HIM) professionals must continue to ensure the proper use of clinical documentation and patient data, specifically the secure disclosure of protected health information (PHI).

With this challenge comes increased risk to compliance programs and the customer service delivered to patients, families and providers. MRO is aware of these risks and remains in lockstep with the ongoing regulatory changes, shift to telework, and the need for higher levels of safety, compassion and support.

In terms of HIPAA compliance, updates have been released at rapid speed by the Department of Health and Human Services to ensure consistent, timely and appropriate release of PHI during the COVID pandemic. It is critical not only for treatment, but to also protect the nation's public health and meet other necessary demands. The HIPAA Privacy Rule has always permitted the sharing of PHI to assist in nationwide public health emergencies and to assist in the continuity of patient care. Though some policies have been temporarily relaxed, HIPAA concepts remain in place.



# Maintaining Compliance and Privacy Amid COVID-19

Below are five examples of temporarily relaxed Release of Information (ROI) rules for HIM professionals to know. Further details for each of these changes were provided by MRO during an April 2020 webinar available [here](#).

## HIPAA Compliance—COVID-19 Updates

- 1 Public Health Activities**—A covered entity (CE) may disclose PHI to the Centers for Disease Control (CDC) as needed to report prior and prospective cases of patients exposed to or suspected or confirmed to have the coronavirus. See 45 CFR §§ 164.501 and 164.512(b)(1)(i)
- 2 Disclosures to Family, Friends, Others Involved in Patient Care**—A CE may disclose information when a patient is incapacitated or unconscious if doing so is deemed critical to the patient's care. See 45 CFR 164.510(b)
- 3 Disclosures to Prevent a Serious and Imminent Threat**—Healthcare providers may share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public—consistent with applicable law and the provider's standards of ethical conduct. See 45 CFR 164.512(j)
- 4 Business Associates**—OCR will not impose potential penalties against providers or their BAs under HIPAA provisions 45 CFR 164.502(a)(3), 45 CFR 164.502(e)(2), 45 CFR 164.504(e)(1) and (5), provided the BA makes good faith disclosure for public health and informs the CE within 10 calendar days of the disclosure.
- 5 Telehealth**—Covered healthcare providers subject to the HIPAA Rules may seek to communicate with patients, and provide telehealth services, through remote communications technologies. Some of these technologies, and the manner in which they are used by HIPAA-covered healthcare providers, may not fully comply with the requirements of the HIPAA Rules.

# Business Continuity–ROI Best Practices

MRO's goal is to achieve business continuity across all ROI best practices during COVID-19 and any future crisis that may arise. To fully accommodate and support crisis-driven change, MRO maintains vigilance and real-time awareness throughout our organization. The overarching requirement is to uphold privacy of PHI according to strict protocols. Even during crisis, ROI must remain timely, compliant and accurate. The two most important areas to re-evaluate during crisis are workflow and staffing.

## Alternative ROI Workflows

As hospital walk-in windows close, alternative workflow options enable patients to continue submitting record requests and ensure proper disclosure of PHI.

### Onsite Options

#### Secure Drop-Box

Set up a secure drop-box within the walk-in area with blank authorization forms and pens/pencils. The patient can complete the authorization form and drop it into a secured box. Requests can then be picked up regularly for processing by the internal ROI staff or sent to the vendor for processing.

#### Mail

Provide empty envelopes and authorizations at the walk-in area for patients to complete and mail later.

The healthcare industry and its workforce are in unprecedented times, navigating uncharted waters together. Beyond these three ROI alternative workflows, our FAQ tool provides a summary of common scenarios related to PHI disclosure during a disaster. Categories include compliance, subpoenas, workflows, reporting and remote workforce—areas that should be part of immediate crisis education and training. Transitioning to a remote workforce is the second step HIM departments may take during lockdown or crisis.

### Virtual/Electronic Options

#### Fax

Create, or request from your vendor, a virtual/standard fax number to allow patients to fax requests for fulfillment.

#### Email

Create, or request from your vendor, an email (if not already in place) for patients to email requests.

Example: PatientRequests@abchospital.com

Note: Authorization forms can be made available on the website (if not already in place) to be printed or downloaded, completed electronically and saved to a patient's device. The patient can then upload, scan or take a photo of the completed form and email it from their phone or other device to the email address.

#### Portals

- Enable patient portals to allow for receipt and/or delivery of requests
- Expand permitted PHI that flows through the portal
- Expand staffing support
- Extend hours for receiving/delivering requests

# Transitioning to a Remote Workforce

With the current state of events, the nation's healthcare workforce is transitioning to a work-from-home environment wherever possible. This includes the ROI process. Many of our employees are also working at home, armed with secured equipment and updated MRO policies and procedures. A summary of important telework reminders is listed below.

**Policy and Procedure**—Workspace requirements, devices, disclosure of PHI, work schedules, incident reporting, productivity, remote access/confidentiality agreement and other related guidelines.

**Workspace**—Private and secure. Power off smart homes during work hours.

**Devices**—Sufficient inventory. Perform routine updates and maintenance on all devices, personal and organization owned.

**Connectivity**—Functional, secure internet access.

**Authentication**—Secure passwords and multi-factor access to your network.

**Communication**—Messaging, meeting platforms, email, phone calls. Schedule regular calls, encourage video.

**Education and Training**—Virtual sessions and learning modules. Provide reference materials and the most current information on the crisis. Let employees know your organization's position and where things stand.

MRO services are always available to support and reinforce a remote HIM workforce. Our services can be implemented remotely and we've mastered the art of productive remote working. From educational webinars to distance learning, MRO's purpose-built best practices help covered entities move forward, even during times of crisis.

## Takeaways—5 Things to Remember

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- 1 HIPAA still applies! It's relaxed during the crisis, not gone.
- 2 Create/review/update new policies and procedures as needed.
- 3 Educate and train both staff and patients.
- 4 Implement CDC recommended hygiene guidelines into new workflows and the workforce environment.
- 5 Communicate—promote awareness, collaboration and teamwork.

[Click here to hear MRO's full webinar.](#)

# Entering the New Normal

As states reopen and bring life back into their economies, several questions are at the forefront.

- What is the safest way to open communities back up?
- When is the right time?
- What does the new normal look like?

The simple answer is that we are all in this together and there is no right or wrong. Crisis situations are always fluid. Healthcare organizations must seek innovative ways to establish new workflows and alternative methods to ensure the safety and health of workforces and patients. These new workflows and methods will be different from our previous way of conducting business.

Below are five recommendations to safely bring the HIM workforce back onsite and ease back into a sustainable working environment.

- 1**  
Plan accordingly based on your local, state and federal government directives, including wearing masks if required.
  - Organizations need to know their worker's comp laws and look at their policies. Ask carriers about COVID-19 related cases that develop at work. Are those considered worker's comp, and if so, what are the guidelines?
  - Consider occupational safety laws and reference the OSHA guidelines.
- 2**  
Build alternative workflows.
  - Open your closed walk-in windows with caution, allowing a limited hours of operation and initially by appointment only.
- 3**  
Continue practicing social distancing both at work and at home.
  - Divide workdays/ hours within teams/ departments to reduce and limit the amount of face-to-face interactions.
  - In crowded office areas, schedule every other or every third cubicle on a rotating basis depending on who which HIM personnel come into the office.
- 4**  
Consider screening kiosks or check-points prior to admittance to a workplace where certain criteria are monitored daily such as temperatures and screening questions.
- 5**  
Enforce CDC guidelines.
  - Hygiene and sanitization—provide PPE supplies as needed
  - Exposed employees
  - Sick employees
  - Reporting requirements

Should the current COVID-19 pandemic come in waves following the initial outbreak, MRO is fully prepared to transition our workforce offsite again. As a society we have dealt with pandemics in the past and we will pull through this crisis together.



Learn more tips, suggestions and best practices during the COVID-19 pandemic [here](#).

# COVID-19 Best Practices

[Click here](#) for more tips, suggestions and best practices during the COVID-19 pandemic.

## Resource List:

OCR FAQs on Telehealth: <https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf>

Release of Information During COVID-19 Webinar: <https://journal.ahima.org/release-of-information-during-covid-19-faqs/>

Release of Information FAQs: <https://journal.ahima.org/release-of-information-during-covid-19-faqs/>

COVID-19: Re-Opening Issues Checklist: <https://www.lexology.com/r.ashx?l=8WTEPYU>

Employer's Guide for Returning to the Workplace:  
<https://www.lexology.com/r.ashx?l=8WWQGAE>  
<https://www.whitehouse.gov/wp-content/uploads/2020/04/Guidelines-for-Opening-Up-America-Again.pdf>

Legal Considerations for Reopening: <https://www.natlawreview.com/article/legal-considerations-reopening-business-time-coronavirus>

Physician Practice Reopening Guide: <https://www.ama-assn.org/delivering-care/public-health/covid-19-physician-practice-guide-reopening>

