

HIPAA, Washington State Health Laws, and Ebola: What Front-Line Health Care Workers Need to Know

The Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (HIPAA) and the Washington State Health Care Information Act, Chapter 70.02 Revised Code of Washington, provide patient privacy protections. The laws apply even when a patient has a communicable disease like Ebola. Here's what front-line health care workers should know:

Patient privacy protections still apply.

If you learn of an Ebola patient in your facility, you may not access information about that patient – unless it is for reasons permitted by law, including treatment of the patient or for payment or health care operations purposes. This includes accessing or reading the patient's medical records. Even when a health care worker's job requires accessing patient information, the worker must follow the "minimum necessary rule" and not access more information than is required to perform his or her job.

Be careful what you say to others.

Unless it is for a purpose permitted by law health care workers may not share information that could lead to the identification of the patient. This means you can only share very limited information, if any, with your family, friends and neighbors. Be especially careful about posting information on social media.

It is permissible to communicate with close family and friends of the patient, unless the patient objects.

Unless the patient has stated an objection, it is

permissible to share information with immediate family and friends with whom the patient is known to have a close personal relationship. These disclosures must be made in accordance with good medical or professional practice.

Unless a patient opts out, directory information can be shared.

Hospitals are permitted to share directory information about the patient without asking the patient's permission. Directory information typically includes the fact of the patient's presence at the hospital and general condition. However, patients can also opt out of providing this information – and when a patient does so, his or her decision must be honored.

Hospitals can release some information for public health purposes.

Specific exceptions in federal and state privacy laws allow hospitals to release information to state and federal agencies and to others for public health and safety purposes. Such steps should be taken only in consultation with the hospital's Privacy Officer and/or legal counsel.

For more information please contact your hospital's Privacy Officer at _____.