



City and County of San Francisco  
 London N. Breed, Mayor  
 San Francisco Department of Public Health  
 Grant Colfax, MD, Director of Health

**DPH COVID-19 HIPAA/PRIVACY GUIDANCE (Revised 06/04/20)**

➤ **HIPAA regulations have not been waived during the COVID-19 public health emergency.**

In response to the COVID-19 nationwide public health emergency, the Federal Government has relaxed its enforcement of certain [HIPAA regulations](#). This guidance provides with you a summary of these changes and other reminders to help protect patient privacy and improve privacy practices.

AREA	ALLOWED/BEST PRACTICE	NOT ALLOWED/REFERENCES
<b>Use/Disclosure of Protected Health Information (PHI) for Treatment, Payment and Operations</b>	<ul style="list-style-type: none"> <li>▪ No change: O.K to share PHI related to COVID-19 for the purpose of treatment, payment or operations (e.g. office visit, billing, case management).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Do not access, use or disclose patient’s COVID-19 status without their consent for other purposes (unless otherwise permitted see below).</li> </ul>
<b>Disclosure to Individuals Involved in a Patient’s Care (such as Family, Caregivers, and Others Identified by the Patient)</b>	<ul style="list-style-type: none"> <li>▪ No change: Generally allowable unless the patient objects or has previously objected.</li> <li>▪ O.K. to share PHI pertinent to patient care or payment for their care.</li> <li>▪ <b>Best Practice:</b> When possible, obtain patient’s consent prior to disclosing PHI.</li> <li>▪ If not possible, providers should use their best judgment to determine what PHI to share, if any.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Do not share PHI when the patient has objected.</li> <li>▪ Office of Civil Rights (OCR) HIPAA February <a href="#">Bulletin</a></li> </ul>
<b>DPH as Public Health Authority</b>	<ul style="list-style-type: none"> <li>▪ No change: Allows DPH to use, access and disclose PHI to carry out its public health mandate.</li> <li>▪ Same requirements apply to PHI used or accessed through public health activities.               <ul style="list-style-type: none"> <li>○ Example: limit PHI disclosed to the minimum necessary and practice proper privacy safeguards to prevent breach.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ OCR HIPAA February <a href="#">Bulletin</a></li> </ul>
<b>Services Delivered via Telehealth*</b>	<ul style="list-style-type: none"> <li>▪ <b>Changes:</b> Allows expanded use of telehealth technology to promote access to care. Telehealth includes video, phone and texting per OCR guideline.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Make sure to document patient’s oral or written consent to receive healthcare services via telehealth.</li> </ul>

Office of Compliance and Privacy Affairs, San Francisco Department of Public Health

Email: [compliance.privacy@sfdph.org](mailto:compliance.privacy@sfdph.org)

**Confidential Compliance, Ethics and Privacy Hotline: 1-855-729-6040 toll-free**

**Calls may be made confidentially and anonymously – Always remember: SFDPH has a non-retaliation policy**

AREA	ALLOWED/BEST PRACTICE	NOT ALLOWED/REFERENCES
<b>Services Delivered via Telehealth* Cont.</b>	<ul style="list-style-type: none"> <li>▪ Per DPH Policy, DPH &amp; UCSF Staff must use Zoom to provide direct patient care.</li> <li>▪ Document patient consent and advisement of risks before delivering services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Do not use public facing apps such as TikTok, Facebook Live, and Twitch.</li> <li>▪ DPH/UCSF video visit SharePoint <a href="#">site</a></li> <li>▪ For more information, see OCR telehealth <a href="#">notification</a> and <a href="#">Frequently Asked Questions</a>.</li> </ul>
<b>Sharing PHI with Law Enforcement, Paramedics and Other First Responders</b>	<ul style="list-style-type: none"> <li>▪ No Change: O.K. to share information about COVID-19 positive individuals with law enforcement, paramedics and other first responders including 911 and Emergency Management Services on a <b>per-call</b> basis.</li> <li>▪ Dispatchers may inform first responders that a specific individual they are encountering is COVID-19 positive in order to provide treatment or to mitigate the spread of disease.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Do not distribute a compiled list of COVID-19 positive individuals instead of disclosing individual’s information on a per-call basis.</li> <li>▪ <a href="#">Guidance</a> on disclosure to law enforcement and first responders</li> </ul>
<b>Health Information Acquired by Employers</b>	<ul style="list-style-type: none"> <li>▪ No Change: Providers need to be aware of protecting their employees’ medical information such as COVID-19 status.</li> <li>▪ Disclosure of an employee’s health status could be considered a violation of the Americans with Disabilities Act.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Employer should not disclose specific employee’s COVID-19 status to others unless authorized to do so.</li> <li>▪ See DPH <a href="#">COVID-19 Employer Disclosure Guidance</a> and Center for Disease Control <a href="#">guidance</a> on COVID-19 and employers.</li> </ul>
<b>COVID-19 IT Security Issues</b>	<ul style="list-style-type: none"> <li>▪ Cyber-attacks related to COVID-19 and phishing attacks on healthcare providers are on the rise!</li> <li>▪ <b>Best Practice:</b> Be suspicious of emails with COVID-19 in the subject line and check the sender’s email address.</li> <li>▪ <b>DPH ONLY:</b> If you are unsure if an email is legitimate, please call the Service Desk at 628-206-7378 or email <a href="mailto:DPH.ITSecurityOperationsQueueEmail@sfdph.org">DPH.ITSecurityOperationsQueueEmail@sfdph.org</a>.</li> <li>▪ <b>Best Practice:</b> Follows the app’s directions to prevent videoconference hacking or “Zoom-bombing.”</li> </ul>	<ul style="list-style-type: none"> <li>▪ Do not click links on any suspicious emails. If in doubt, contact the sender by phone to confirm if it is a legitimate email.</li> <li>▪ <b>DPH ONLY:</b> For cybersecurity information, go to <a href="http://myapps.sfgov.org">myapps.sfgov.org</a> &amp; select CyberSafeSF</li> <li>▪ <a href="#">Federal Bureau of Investigations Flash Alert</a> regarding Phishing attacks targeting healthcare providers</li> </ul>

**\*NOTE: Office of Civil Rights (federal agency that enforces HIPAA regulations) has relaxed its enforcement of HIPAA rules for these areas during the public health emergency. An announcement will be made once OCR resumes full enforcement of HIPAA regulations.**

Questions?	
Call the Compliance, Ethics & Privacy hotline <b>(855) 729-6040</b>	Email <b><a href="mailto:compliance.privacy@sfdph.org">compliance.privacy@sfdph.org</a></b>

**References**

[Office of Civil Rights \(regulates HIPAA\) Guidance and Bulletins on COVID-19 and HIPAA](#)