

# HIPAA

## Monthly Alert AUGUST 2019

### **The Office of Civil Rights (OCR) Stresses the Need for Covered Entities to Prepare for Hurricanes and Other Natural Disasters:**

During and after Hurricane Harvey, hospitals in Texas and Louisiana had to ensure medical services continued to be provided without violating HIPAA Rules. Questions were raised about how the Privacy Rule applies in emergencies and when it is permitted to share health information with patients' friends and family, the media, and emergency services.

The Department of Health and Human Services' Office for Civil Rights responded by issuing guidance to covered entities on the HIPAA Privacy Rule and disclosures of patient health information in emergencies to help healthcare organizations protect patient privacy and avoid violating HIPAA Rules. The key message from the OCR was to have a disaster plan and review it regularly with staff.

### **OCR Advice for HIPAA Compliance During an Emergency / Disaster:**

Severe disasters, such as Hurricane Harvey, impose additional challenges on healthcare providers. Often questions arise about the ability of entities covered by the HIPAA regulations to share information, including with friends and family, public health officials, and emergency personnel. The HIPAA Privacy Rule allows patient information to be shared to assist in disaster relief efforts, and to assist patients in receiving the care they need. Also, while the HIPAA Privacy Rule is not suspended during a public health or other emergency, the Secretary of HHS may waive certain provisions of the Privacy Rule under the Project Bioshield Act of 2004 (PL 108-276) and section 1135(b)(7) of the Social Security Act.

#### Reference

<https://www.hipaajournal.com/ocr-covered-entities-prepare-for-hurricanes-natural-disasters-8956/>

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