



Kaiser Permanente, HIPAA, and COVID-19

The current public health emergency related to the COVID-19 pandemic has brought all of us together to serve our communities. Just as we have a responsibility to come together to serve our members and patients, we also have an obligation to protect the privacy of their information.

Regardless of diagnosis, no employee or physician has the right to access a member's or patient's paper or electronic medical record without appropriate authorization and/or documentation. It doesn't matter if the person is a celebrity, colleague, friend, family member, or even someone with a suspected case of COVID-19. If you do not have a clinical or business need, do not access the record.

If you are concerned about your personal safety and feel that you have been exposed to a patient with COVID-19:

DO

- Consult with your employee health & safety department
- Talk to your supervisor/manager or HR representative
- Consult with your regional compliance office for medical record access questions

DO NOT

- Access the patient's medical record, or any other system of record
- Inquire about the patient's diagnosis with members of the care team or co-workers
- Ask the patient, family members, or visitors about the diagnosis

KP takes various steps to ensure that HIPAA and all privacy laws are followed. One tool we have is applying *Break the Glass* to a patient's electronic record. If you encounter *Break the Glass* on a medical record that you need to access in order to perform your work, simply select the reason from the drop-down menu and enter your password. Free text space is also available to provide additional comments about your access, if needed.

With *Break the Glass* and other tools, KP can and is monitoring access to medical records to ensure employees and physicians are doing the right thing. If inappropriate access is suspected, an investigation will be conducted.

Media

COVID-19 has been the top news story every day, both locally and nationally, and on social media channels. Reporters are always looking for an "inside scoop" or peek at how health care organizations are dealing with this pandemic. Please remember that you should not speak to members of the news media without proper authorization from Communications. Do not answer questions or agree to be filmed or recorded as you may inadvertently disclose sensitive information about our members and patients or KP. This can damage our reputation or even violate HIPAA rules and KP policies.

Curiosity Can Cost You Your Job

The consequences are steep – both as individuals and as an organization. Inappropriately accessing or disclosing a member's or patient's information without a KP clinical or business reason may result in disciplinary action, up to and including termination.

Check InsideKP for the latest updates, including this information about Coronavirus and COVID-19:

https://vine.kp.org/wps/myportal/kpvineportal/kpculture/in_the_community/disaster_relief/novel-coronavirus-and-covid-19/novel-coronavirus-and-covid-19/?kp_shortcut_referrer=kp.org/coronavirus/employees

For additional information, contact your regional compliance office or visit the Compliance intranet site:

<https://onecompliance.kaiserpermanente.org/community/privacy-security/>