

KnowDoShare

Office for Civil Rights HIPAA Guidance for Contacting Former COVID Patient about Blood and Plasma Donation.

What you need to **Know**:

- Due to the Public Health Emergency concerning the coronavirus disease 2019 (COVID-19), on June 12, 2020, the Office for Civil Rights (OCR) provided guidance regarding contacting former COVID-19 patients to provide information to them about donating blood and plasma.
- The use of PHI to identify and contact patients who have recovered from COVID-19 for this purpose is permitted as a population-based health care operations activity of the covered health care provider because facilitating the supply of donated blood and plasma would be expected to improve the provider's ability to provide care management for patient populations that have or may become infected with COVID-19.

What to **Do**:

- Ensure your key staff are aware that CommonSpirit can contact our own patients who have recovered from COVID-19 regarding Plasma or Blood Donation, within the criteria outlined below.
- Contact Designated Division Privacy Officers for questions or further clarification.

What to **Share**:

Our CommonSpirit facilities need to ensure that we follow the criteria below to be HIPAA compliant:

- The HIPAA Privacy Rule allows Covered Entities to use or disclose PHI for population management under the health care operations exemption.
- When using or disclosing PHI for health care operations, the covered entity must make reasonable efforts to limit the use or disclosure of PHI to the minimum necessary to accomplish the intended purpose of the use or disclosure.
- The use and disclosure of this information, however, cannot be used for marketing purposes for a non-CommonSpirit owned organization.
- CommonSpirit may NOT direct a patient to a non-CommonSpirit blood or plasma donation site from which CommonSpirit receives any direct or indirect remuneration.
- CommonSpirit cannot disclose PHI about individuals who have recovered from COVID-19 to a non-CommonSpirit blood and plasma donation center, so that the donation center can contact the patients to request blood and plasma donations for its own purposes. That would require specific patient prior authorization.
- The use and disclosure of PHI related to any research or research initiative will need to follow established research and HIPAA compliant processes, including IRB review and approval.

For further information, click the following link: <https://www.hhs.gov/sites/default/files/guidance-on-hipaa-and-contacting-former-covid-19-patients-about-blood-and-plasma-donation.pdf>

