

November 11, 2014

Health Law
Practice Group:



Joan W. Feldman
(860) 251-5104
jfeldman@goodwin.com



Dawn R. Crumel
(202) 469-7774
dcrumel@goodwin.com



Vincenzo Carannante
(860) 251-5096
vcarannante@goodwin.com



William J. Roberts
(860) 251-5051
wroberts@goodwin.com

www.shipmangoodwin.com

HHS Issues Bulletin Addressing Ebola and Other Public Health Emergencies

Last evening, the United States Department of Health and Human Services (DHHS), Office for Civil Rights (OCR) issued a Bulletin entitled “HIPAA Privacy in Emergency Situations”. This Bulletin was released as a result of the recent Ebola outbreak. According to OCR, the purpose of the Bulletin is to ensure that covered entities and their business associates understand what information may be shared in an emergency situation. While there are no changes in the law, the Bulletin does provide some guidance to covered entities when dealing with disclosures involving public health emergencies. We link [the Bulletin](#) for your review and provide a brief outline of the issues addressed by OCR. [<http://www.hhs.gov/ocr/privacy/hipaa/understanding/special/emergency/hipaa-privacy-emergency-situations.pdf>]

- **Disclosures for Treatment Purposes** - the current rules remain intact in that disclosures for treatment are permissible, including for health care coordination and referrals to other providers
- **Disclosures for Public Health Activities** - the current rules remain intact and covered entities may disclose to federal, state and local public health authorities or to persons at risk of contracting or spreading a disease if permitted by law
- **Disclosures to Families, Friends and Others Involved in an Individual’s Care** - the current rules remain intact and covered entities may disclose health information to persons identified by the patient as involved in the patient’s care
- **Disclosures to Prevent or Lessen Imminent Danger** - the current rules remain intact and covered entities may share health information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public
- **Disclosures to the Media** - patient authorization still required to disclose specific information to the media

OCR uses the Bulletin to remind providers that HIPAA is not suspended during a public health or other emergency, unless the President and the Secretary of DHHS declare a



public health emergency and the Secretary waives enforcement of HIPAA under limited circumstances. Of course, in all instances, if state law is stricter, the state law will govern regarding the disclosure.

Shipman & Goodwin recommends that covered entities review the Bulletin to ensure compliance in the event of a public health emergency and or media inquiries.

If you have any questions, please contact any member of Shipman & Goodwin's **Health Law Practice Group**.

This communication is being circulated to Shipman & Goodwin LLP clients and friends and does not constitute an attorney client relationship. The contents are intended for informational purposes only and are not intended and should not be construed as legal advice. This may be deemed advertising under certain state laws. © 2014 Shipman & Goodwin LLP.

One Constitution Plaza
Hartford, CT 06103-1919
860-251-5000

300 Atlantic Street
Stamford, CT 06901-3522
203-324-8100

1875 K St., NW - Suite 600
Washington, DC 20006-1251
202-469-7750

289 Greenwich Avenue
Greenwich, CT 06830-6595
203-869-5600

12 Porter Street
Lakeville, CT 06039-1809
860-435-2539

www.shipmangoodwin.com