



Nevada Division of Public and Behavioral Health (DPBH)
HIPAA and COVID
January 14, 2021

1. Sharing Protected Health Information with Employers (from HHS.gov)

- If a Public Health Authority engages a business associate to assist in a specified public health activity, the business associate's written agreement with the covered entity should identify these activities, and the business associate may make the disclosure for public health reasons in accordance with its written agreement. Is the employer a business associate? Then information can be exchanged between the Public Health Authority and the business associate. But the PHI/PII must be kept confidential as specified by ADA and separate from the employee's regular employment records.
- Workplace medical surveillance. A covered health care provider who provides a health care service to an individual at the request of the individual's employer, or provides the service in the capacity of a member of the employer's workforce, may disclose the individual's protected health information to the employer for the purposes of workplace medical surveillance or the evaluation of work-related illness and injuries to the extent the employer needs that information to comply with OSHA, the Mine Safety and Health Administration (MSHA), or the requirements of State laws having a similar purpose. The information disclosed must be limited to the provider's findings regarding such medical surveillance or work-related illness or injury. The covered health care provider must provide the individual with written notice that the information will be disclosed to his or her employer (or the notice may be posted at the worksite if that is where the service is provided). See 45 CFR 164.512(b)(1)(v).

2. Billing Information for administration of Vaccinations

- The Privacy Rule permits a covered entity to use and disclose protected health information, with certain limits and protections, for treatment, payment, and health care operations activities.
- Billing for services provided is one of the areas that the Privacy Rule that allows disclosure of protected health information without patient authorization.

3. Registration of Employees

- PHI can be disclosed to public health authorities and their authorized agents for public health purposes including but not limited to public health surveillance, investigations, and interventions.