AAOE Roadmap to Recovery Series: HIPAA and OSHA Considerations in the COVID-19 Era

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- AAOE recommends Eagles Associates, Inc for regulatory compliance resources and practical solutions for:
  - HIPAA
  - OSHA
  - OIG Compliance and Fraud & Abuse Training
  - Secure Risk Analysis

- Services include current policy manuals, forms and employee training
Reboot Your Practice
Post-Covid-19 Recovery Roadmap for the Ophthalmic Practice

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Questions for the Panel?

• Questions may be submitted through the Q&A button.
  o Please do not submit via chat or click on the raised hand.

• Attendees can “promote” a posted question to move to the top of the queue.

• A recording of this presentation will be posted following this live session to https://www.aao.org/coronavirus/webinars-and-podcasts

• Questions following the session may be emailed to aaoe@aao.org
HIPAA Topics

- Telehealth
- Disclosures to first responders, friends, family
- Operational issues
- Malware, phishing and teleconference hacking
Telehealth and HIPAA During COVID-19

- No penalties for temporary use of non-secure Telehealth applications during the COVID-19 pandemic.
- HIPAA Rules are not suspended. Discretion for not imposing penalties only.
Telehealth, continued

• Public-facing vs non-public facing technology
• Privacy and Security Controls
• Patient photos
Telehealth Vendors with HIPAA-Compliant Products

- Skype for Business / Microsoft Teams
- Updox
- VSee
- Zoom for Healthcare
- Doxy.me
- Google G Suite Hangouts Meet
- Cisco Webex Meetings / Webex Teams
- Amazon Chime
- GoToMeeting
- Spruce Health Care Messenger
Telehealth Product Considerations

Things to look for in a Telehealth product:

• end to end encryption
• Individual user accounts
• Passcodes

Practice telehealth in private settings
Bad Faith Use of Telehealth

• Sale of PHI
• Violating professional ethical standards
• Using public facing applications
Disclosures

• To First Responders

• To Public Health Authorities
Disclosures, continued

• To Friends and Family

• To Persons at Risk of Contracting or Spreading Disease
Disclosures, continued

• Minimum Necessary

• Safeguards
Cyber Attacks Exploiting COVID-19

• Phishing, using subject of coronavirus or COVID-19 as a lure

• Malware distribution, using coronavirus- or COVID-19- themed lures

• Registration of new domain names containing wording related to coronavirus or COVID-19

• Attacks against newly deployed remote access and teleworking infrastructure
Teleconference Hijacking

• Do not make meetings public
• Do not share a link to a teleconference on a public post (social media)
• Manage screen sharing options so that only the host can share screens
• Ensure users are using the updated version of meeting applications.
• Address requirements for physical and information security within your organization.
Enforcement in the Wake of COVID-19

• OCR will announce end of enforcement discretion

• Consideration will be given to circumstances
HIPAA Resources

HHS HIPAA and COVID-19 Resource Page—Contains Links to Notices and Guidance
https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html

Notice of Enforcement Discretion for Telehealth

Media Access Restrictions
https://www.hhs.gov/about/news/2020/05/05/ocr-issues-guidance-covered-health-care-providers-restrictions-media-access-protected-health-information-individuals-facilities.html
OSHA Topics

• COVID Policies
• Training
• PPE
• Engineering Controls
• Administrative and Work Practice Controls
• Staffing
OSHA COVID-19 Risk Levels

• Lower
• Medium
• High
• Very High
COVID-19 Policies

Written policies for:

• Establishing Risk Level
• Identification and Isolation
• Engineering Controls
• Administrative Controls
• Work Practice Controls
• PPE, including Respiratory Protection
• Recording and reporting cases of COVID-19
• Training
Staff Training Topics

- Transmission
- PPE-use, limitations, care, disinfection, disposal
- Safe work practices
- Respiratory protection, if needed, fit testing, user seal check
- How to isolate patients
- Sick leave policies
- Site-specific administrative controls
PPE

• How to don, doff, clean, decontaminate, maintain, dispose
• Gloves
• Gown
• Eye Protection
• Respiratory Protection
Engineering Controls

- Installing high-efficiency air filters
- Increasing ventilation rates
- Physical barriers
- Triage stations outside the facility
Administrative Controls

- Posters, visual alerts
- Supplies for respiratory hygiene and cough etiquette
- Restrict non-essential visitors, vendors, etc.
- Screen patients before entry to practice, have them wear mask
- Establish non-punitive sick leave policies
- Cross train staff to help with unexpected staff shortages
Work Practice Controls

- Disinfection procedures
- Avoid sharing phones, desks, equipment whenever possible
- Emphasizing hand hygiene:
  - before and after patient contact,
  - before and after donning and doffing PPE
  - after contact with any infectious material
  - after using the restroom
Staffing

• Monitoring staff – symptoms, exposure, temperature
• Ensuring social distancing
• Cross-training
• Absenteeism, sick leave, quarantine
• Illness reporting
OSHA/Safety Resources

OSHA’s Guidance on Preparing Workplaces for COVID-19

CDC’s Information for Healthcare Professionals about Coronavirus (COVID-19)

CDC’s Ten Ways Healthcare Systems Can Operate Effectively during the COVID-19 Pandemic

CDC’s Outpatient and Ambulatory Care Settings: Responding to Community Transmission of COVID-19 in the United States

CDC’s Criteria for Return to Work for Healthcare Personnel with Suspected or Confirmed COVID-19

CDC’s Guidance for Cleaning and Disinfecting Your Facility

CDC’s PPE Sequence
https://www.cdc.gov/hai/pdfs/ppe/ppe-sequence.pdf