

COVID-19 and the New World of Data Privacy: Key Strategies to Navigate the Pandemic in the Workplace

Presenters:

Beth Alcalde

Karen Buesing

Christy Hawkins

Betsy Hodge

Rob Slavkin

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The background of the slide features a large, diagonal red shape on the left side. On the right side, there is a close-up photograph of a person's hand touching a large, curved digital display. The screen shows various data visualizations, including line graphs and maps, with a blue and green color scheme. The lighting is soft, highlighting the hand and the screen's surface.
akerman

Introduction



Today's Panelists



Beth Alcalde



Karen Buesing



Christy Hawkins



Elizabeth "Betsy" Hodge



Rob Slavkin

Housekeeping

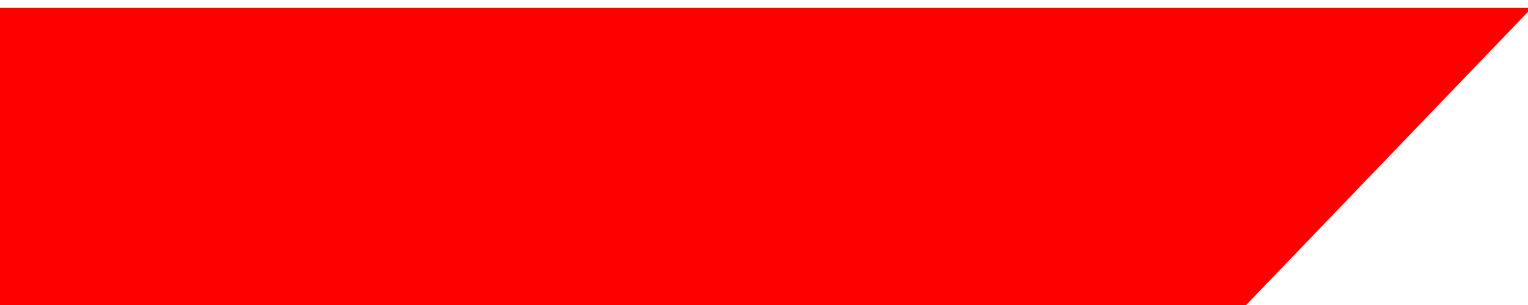


Agenda



- Temperature Screening Process and Test Results
- Considerations when Utilizing On-Site Medical Clinics
- Data Privacy and Cybersecurity
- Return to Work – Overview of Issues on the Horizon

Part One



Temperature Screening Process and Test Results

- ADA Confidentiality and Record Keeping
- HIPAA or not – it depends
- Technology available to assist
- Security issues
 - Biometric screening versus temperature
 - CCPA and other possible special notices

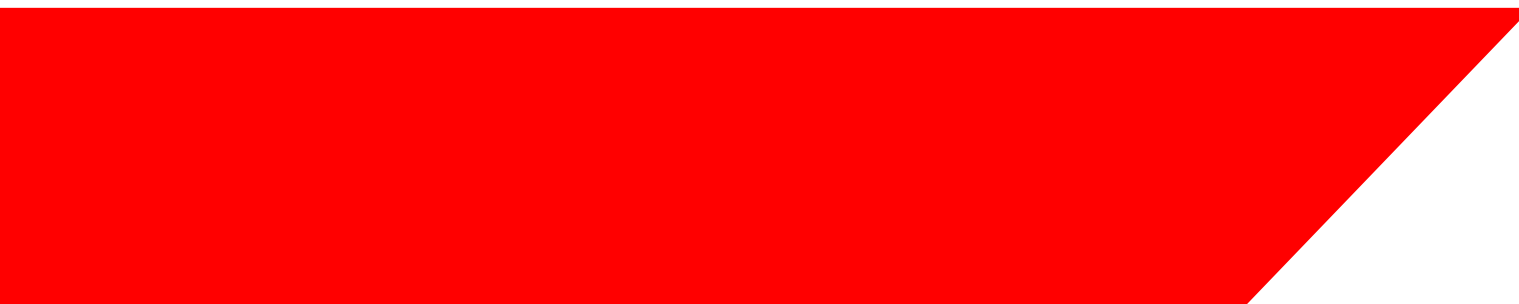
Temperature Screening Process and Test Results

- HIPAA privacy and security as it relates to employer sponsored group health plans
- Special privacy, security, and safety considerations for employers' on-site medical clinics or outsourced COVID-19 test administrators
- Latest Trends on Return-to-Work policies and procedures
- Retirement Plan-related insurance coverage best practices that may limit new cybersecurity and cybercrime exposure

Temperature Screening Process and Test Results

- Again, generally, employers are not “covered entities” and are therefore not subject to HIPAA when acting as an employer.
- Employers have concerns under HIPAA if they sponsor a group health plan and receive PHI from the plan.
- In light of the health concerns presented by the COVID-19 pandemic, employees with access to PHI should be reminded of their responsibilities under HIPAA.
- Employers *should not* review health plan claims data to try to determine which employees (or dependents) have filed claims for testing or treatment related to COVID-19. This violates the HIPAA Privacy Rule, and OCR has not issued any COVID-19 waivers for health plans.
- Employers with on-site clinics or certain on-site health services must consider when “covered entity” status applies.

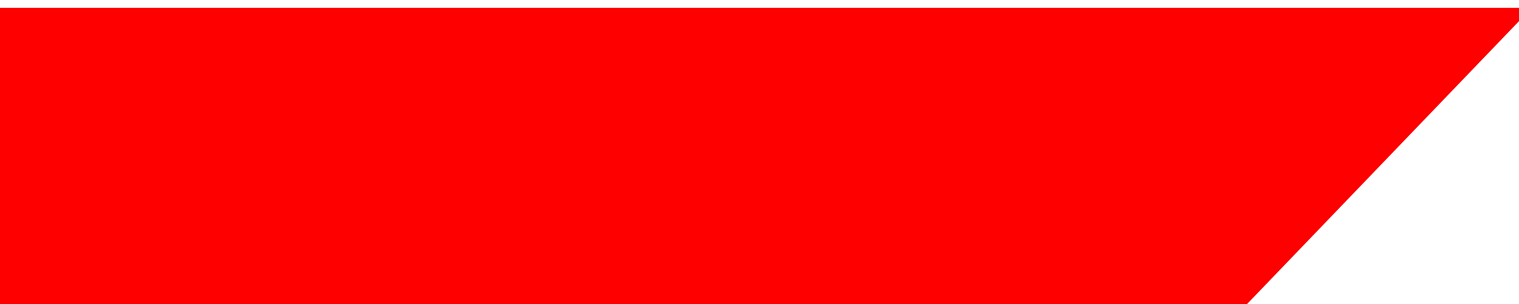
Part Two



Considerations When Using Onsite Medical Clinics

- Key design features
- Regulatory and licensing considerations
 - Data sharing with employer
 - Possible reporting obligations
- Risk-management with regard to protection of data
- PPEs for screeners
 - Outside vendors

Part Three

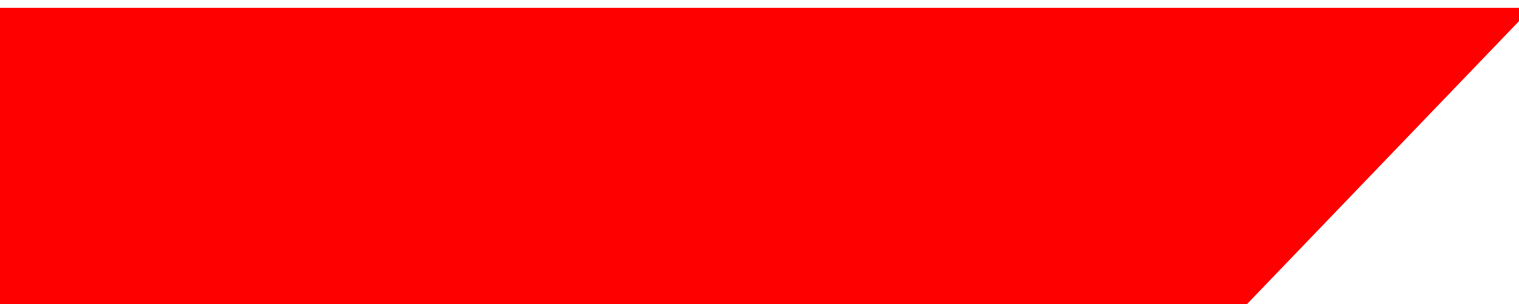


Data Privacy and Security

- Threats due to Teleworking:
 - Malware
 - Ransomware
 - Business Email Compromise
 - Phishing
 - Video Conferencing Exploitation
- Solution: Employee Training



Part Four



Return To Work-Issues on the Horizon

- Communicate the Changes
- Health Plan Issues
- Telehealth Issues
- Privacy and Security Issues

An aerial, long-exposure photograph of a complex highway interchange at night. The image shows multiple levels of overpasses and ramps, with light trails from cars creating a dynamic, colorful pattern of white, blue, and red streaks against the dark background of the roads and surrounding greenery. The overall scene conveys a sense of constant motion and connectivity.

Return to Work Resource Guide



Thank you for joining us! Stay well!



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