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Health Privacy in the COVID Era

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Elizabeth Litten



Elizabeth is a Partner at Fox Rothschild and serves as the firm's Chief Privacy & HIPAA Compliance Officer. She is Co-Chair of the firm's Privacy & Data Security Practice Group and assists clients in analyzing and responding to breaches of data and PHI as well as ransomware attacks. Ranked by Chambers USA as one of New Jersey's leading health care attorneys, Elizabeth serves as national and regional counsel to a wide range of health care related entities including hospital systems, regulated and self-funded health plans, and health care technology companies.



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Rachel Hammond



Rachel is the New Jersey Department of Health's Data Privacy Officer. In this position, she protects privacy and facilitates data sharing, including for research purposes, in response to the COVID-19 public health emergency, in support of the Department's work to reduce infant and maternal mortality and morbidity, and for other public health purposes. Rachel also serves as the Chair of the Integrated Population Health Data project's Governing Board. Prior to joining the Department, Rachel served as in-house counsel specializing in health, privacy and immigration law for a national provider of long-term acute care hospital services as well as inpatient and outpatient therapy services. She also served as an attorney for the Pennsylvania Department of Health, specializing in government contracts and HIPAA compliance, as counsel for the Commonwealth's Maternal and Child Health programs.



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Frank Riccardi



Vice president, chief compliance and privacy officer at Cone Health, Frank leads the development and implementation of an effective compliance and privacy program to reduce the risk of unlawful, unethical or improper conduct. He also serves as chief compliance and privacy officer for Triad HealthCare Network. Frank has more than 23 years of experience in developing compliance, privacy and internal audit programs for large health care systems with hospitals, physician practice groups and managed care organizations.



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Lauren Steinfeld



Lauren serves as Chief Privacy Officer for Penn Medicine and Senior Advisor for Privacy for the University of Pennsylvania. In this position, she leads and oversees the HIPAA compliance program and other privacy initiatives for Penn's four hospitals, over 200 physician practices, and the School of Medicine research program. Lauren works on institution-wide training, policy development, and systems monitoring initiatives as well as evaluating individual strategic partnerships with data sharing elements.



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Topics

- HIPAA
- Vaccine information
- Work from home
- Telemedicine



HIPAA

- When does it apply?
- Confusion in the COVID environment
- The Fair Information Principles
- Protecting privacy v. protecting the public
 - What are our expectations?



Vaccine Information

- Testing and status
 - Are you required to share this information?
- Vaccine cards and passports
- Mandating vaccinations



Work From Home

- Changes to our work environment
- Cybersecurity risks
- Lack of separation of work and personal life
- How society has shifted
- Be alert for offers that seem too good to be true
 - Please note, the following telecommuting program is not real and is being used as an example for this presentation only



INTRODUCING

FOX@HOME TELECOMMUTING PROGRAM



STARTING MONDAY, APRIL 30, 2018

All Employees and Partners Are Eligible to Participate*

- 0-10 years of employment, work from home 2 days per week
- 11+ years of employment, work from home 3 days per week

The Firm will provide to participants at no cost:**

- Computer, dual monitor, docking station, keyboard, mouse
- Printer (if approved)
- IP-based desk phone

Participants will provide at their own cost:**

- Internet connection of at least 10/5 GB download/upload
- Dedicated work station in home
- Smoke-free environment

FIRST NATIONAL LAW FIRM TO OFFER TELECOMMUTING TO EVERY EMPLOYEE

To begin the process of determining eligibility for the **Fox@Home Telecommuting Program**, please contact Human Resources at workathome@foxrothschild.com and provide proposed days at home***

*Subject to supervising attorney or staff approval; nobody is required to participate

See the attached **Fox@Home Telecommuting Program Policy for additional details

***The Firm has the right to terminate a telecommuting arrangement at any time



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FOX@HOME TELECOMMUTING PROGRAM POLICY (CONT'D)

Last Updated: April 3, 2018

The use of equipment, software, data supplies, and furniture when provided by the Firm for use at the remote work location is limited to authorized persons and for purposes relating to Firm business. Employee is responsible for damage to any equipment caused by children and pets.

Workspace. The employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while telecommuting. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The Firm must approve the site chosen as the employee's remote workspace. Employee is expected to submit three photos of the home workspace to Human Resources prior to implementation. Any Firm materials taken home should be kept in the designated work area at home and not be made accessible to others. All obligations of client and Firm confidentiality continue to apply.

The Firm has the right to make on-site visits (with 48 hours advance notice) to the remote work location for purposes of determining that the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve Firm-owned equipment, software, data, or supplies.

Office Supplies. Office supplies will be provided by the Firm as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's supervisor.

Worker's Compensation. During work hours and while performing work functions in the designated work area of the home, telecommuters are covered by worker's compensation.

Liability. The employee's home workspace will be considered an extension of the Firm's workspace. Therefore, the Firm will continue to be liable for job-related accidents that occur in the employee's home workspace during the employee's working hours.

Telemedicine

- HHS Notifications of Enforcement Discretion during COVID public health emergency
- HHS FAQs on Telehealth and HIPAA
- Providers and “work from home” privacy and security risks
- CSPs and non-negotiable BAAs

