

**PRIVACY GUIDELINES FOR UCD HEALTH GROUP VIRTUAL CLASSES****Consent/Authorization****Protected Health Information (PHI) Will Be Shared by UCD Health**

If UCD Health will share PHI during the class, an authorization allowing the release of PHI must be signed by the patient or the patient's representative. See UCD Health Policy & Procedure (P&P) [2414](#), *Disclosing Protected Health Information by a Valid HIPAA Authorization*.

UCD Health shares PHI when a UCD Health workforce member, including an unpaid or volunteer member, discloses a patient's individually-identifiable health information.

- 1. Health Information.** Health information includes any information relating to the physical or mental health or condition of an individual or the health care provided to an individual. Therefore, a UCD Health's patient's diagnosis, treatment, symptoms, and dates of service will all be considered health information.
- 2. Individually-Identified Health Information.** When the patient whose health information is shared is identifiable, then individually-identifiable health information has been shared. A patient is identifiable if the information provided, alone or in conjunction with other publicly available information, could allow someone to identify the patient. For example, a patient who shares their name, initials, email address, or image (live or still) during a class is identifiable. If UCD Health shares the health information of those identifiable patients during a class, this will be considered the sharing of PHI.

However, if patients, not UCD Health workforce members, voluntarily share their own health information during a class, even if their name or image is visible, then UCD Health is not the one sharing the information and an authorization is not required.

Remember, the limitation on sharing PHI is not limited to class participation. There may be a risk of sharing PHI when UCD Health distributes class materials before or after class sessions.

**PHI Will Not Be Shared by UCD Health**

If UCD Health will not be sharing PHI, an authorization is not required. However, even if no PHI will be disclosed by UCD Health, UCD Health should either:

- (1) have class participants read and sign a form agreeing to not share personal information shared by other class participants, or

- (2) include a “confidentiality disclaimer” in the class materials and/or at the beginning of the session that articulates any privacy expectations UCD Health or other participants may have for the event.

Whether a form or a disclaimer (or both) should be used will depend on the level of information being shared by class participants, what group of individuals will be attending the class (i.e., if the class is geared towards minors or is about particularly sensitive topics), and the purpose of the class. The more personal information participants are expected to share or the more sensitive the information participants will be sharing, the more likely it is that a form should be used.

#### Form

If it is determined that a form should be used, the following (or similar) language should be included in the materials participants fill out before attending the class:

This class is interactive and it is possible that class participants may disclose personal information. By signing below, I indicate that I will keep the personal information disclosed by other class participants confidential.

If there is a particular privacy concern associated with the class (i.e., the class involves discussions of mental health) the class organizers should consider adding in language about the specific information being shared and why that information should be considered particularly sensitive.

#### Disclaimer

If it is determined that a disclaimer should be used, the following (or similar) language should be included in either the materials participants fill out before attending the class and/or at the beginning of the presentation materials:

There may be multiple people attending this virtual class and sharing personal information. UCD Health encourages participation as it makes the class a richer experience for all, but your decision to share information is completely voluntary. All class participants are asked to keep the information that is shared during the class confidential, but UCD Health cannot always guarantee that this is the case. As a member of this class you are asked not to share any information that you hear with non-group members.

## **Technology and Location Considerations**

### **Choosing a Technology Platform**

When planning a virtual class, UCD Health workforce members should be cognizant of the security of the technological platform or application they are using. As Zoom is a UCD Health/HIPAA compliant platform, this platform should be used whenever possible. Alternatively, Facetime or Skype may be used, but if UCD Health will disclose PHI during the class, these platforms may only be used during the COVID-19 emergency period. If FaceTime or Skype is being used, the following statement should be made by the meeting host or included in the first slide of a presentation:

UCD Health is able to offer a class via FaceTime or Skype as we work to maintain our clinical and educational work. While we don't anticipate a privacy or security issue, please be aware that [FaceTime/Skype] are not customarily permitted except during this COVID-19 response period. By continuing to participate in this session, you express your willingness to continue on this platform.

### Choosing a Location

Class hosts are advised to maintain a professional environment, such as an academic office, isolated clinical setting, isolated home office or other private location, when interacting with participants via video. [UCD Health telework guidelines](#) apply.

Participants should participate in the class from a secure, private environment to maintain confidentiality of all participants involved and to prevent unauthorized disclosure to anyone else. It is also best practice for the patient not to connect to a public, wireless network.

Participants should be informed that they may not record the class, and if possible, the recording option should be disabled by the UCD Health class host.

### **E-Communication with Participants Outside of the Virtual Classroom Setting**

Participant e-communication should be sent through MyUCDavisHealth (formerly MyChart), whenever possible. When MyUCDavisHealth is not available and an email must instead be sent, the guidelines in UCD Health [P&P 2442](#), *E-mail Communication that Contains Protected Health Information or Personal Information*, should be followed, including that all email to participants containing PHI must be encrypted, and patient permission to send PHI via email must be obtained.

If one email is sent to multiple participant recipients, the blind carbon copy ("bcc") email feature must be used to prevent participants from seeing the email addresses of other participants.

### **Additional Resources:**

For more comprehensive guidance, please see:

- [Video Visits: Interim Guidance for Direct Patient Care](#)
- [Telehealth: Interim Guidance for Inpatient Care](#)
- [Telehealth: Interim Guidance for Residents/Fellow for Direct Patient Care](#)
- [Telehealth: Billing for COVID-19 Response](#)
- [Inpatient Telehealth Intranet Webpage \(Guidance and Workflows\)](#)
- [Clinical Research: Interim Guidance for Video Usage](#)
- [Zoom Tips for Getting Started](#)
- [Telework Guidelines](#)