

June, 2021

Paragon Orthopedic Center
Grants Pass, Oregon



HIPAA and the Coronavirus Vaccine

Is it a violation to ask?

The Covid-19 vaccine is now widely available and coronavirus infections are down, so our nation is determining how to open up and get people back to seeing one another. Brace yourself for more debates. Some are asking if the Health Insurance Portability and Accountability Act, or HIPAA, can be invoked to protect a person from having to reveal whether or not he/she has been vaccinated. There is a lot of misinformation about this act, so here are some facts.

What is HIPAA?

Created 25 years ago, it applies to the medical industry and protects you from them telling people outside of healthcare about you. It cannot be shared by your doctor, hospital, or insurance company without your permission. Here is the catch: it *only* applies to specific entities, such as healthcare providers, insurance, and their business associates. If your grandmother shares details about your health, she would not be in violation of HIPAA. Similarly, a business can ask details about your health without violating HIPAA because it does not apply to them. There is nothing in HIPAA that prevents people from asking about your health, your vaccination status, or requiring proof of that status. It prohibits healthcare entities sharing it, but not asking, and it doesn't mean you *have* to share.

Who can ask me to prove my vaccination status?

HIPAA and very few federal laws can prevent employers, airlines, businesses, or schools from asking your vaccination status or proof of that vaccine. The violation would happen if your healthcare provider shared your vaccination status. For example, if a school called your pediatrician and asked whether your student was immunized, the provider could not share that information because of HIPAA unless you specifically gave permission for the provider's office to do so.

Do I have to answer?

No, but there will likely be consequences. It is logical to think businesses will treat those who choose not to answer or provide proof of vaccination the same way as those who are not vaccinated. There is no law that says a business cannot discriminate based on your vaccination status. Laws protect race and gender discrimination, but not whether or not you've had a vaccine. Some find the question as private as questions about income or age; consider the source and the motive for asking if you find yourself feeling annoyed.

What is Paragon Orthopedic doing?

The CDC left us with three options: 1-make everyone wear a mask, 2-create a method of checking everyone's vaccination status to allow some to go maskless, or 3-ignore state mandates. To protect the many vulnerable people who enter our clinic doors, we are continuing to request everyone wear a mask. This avoids having to ask about immunization status and possible volatile interactions. We are and have been doing all that we can to keep Paragon a safe, low-stress clinic for all. The rules surrounding reopening our state are always changing, so please know we keep up on the latest guidance. We want to stay focused on your health, not on politics, so thank you for your cooperation when you come in!

The following articles were referenced for this newsletter:

<https://www.hipaajournal.com/what-does-hipaa-cover/>

<https://www.hipaajournal.com/what-does-hipaa-cover/>

<https://katu.com/news/coronavirus/is-asking-for-proof-of-a-coronavirus-vaccination-a-hipaa-violation>