



COVID-19 FAQ

10. Does an employer have the right to be notified if one of their employees test positive for COVID-19?

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Answer: Employers can make inquiries of employees to determine if their employees are exhibiting or have been exposed to COVID-19 in an effort to determine if other employees have been exposed or to prevent the exposure to other employees. In addition, HIPAA does not apply to health information contained in employment records held by a healthcare provider in its role as an employer. So, HIPAA may not even apply to the test results if the results are acquired by the healthcare provider in its role as an employer. Finally, HIPAA permits EMS agencies to disclose necessary COVID-19 information if the agency believes, in good faith, that disclosure of that information is necessary to prevent or lessen a serious and imminent threat to the health or safety. If the employer has a good faith belief that other employees may have been exposed to COVID-19, it may tell those employees about the potential exposure and the need to be tested under this HIPAA exception. Whenever possible, the employer should protect the identity of the employee and simply communicate to the other employees that they may have been exposed.