

Featured Professionals

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Top COVID-19 Considerations for Health System Counsel

Legal Update

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With the novel coronavirus (COVID-19) presence in the United States, hospital counsel will be approached with questions and issues raised by patients, management and staff regarding the health system's response to this public health concern.

Here are eight tasks to prepare yourself for questions from your clients related to COVID-19 in your community:

1. Educate yourself on the Center for Disease Control's (CDC) guidance to health care professionals.

Periodically review the information the CDC is providing to health care professionals regarding COVID-19.

2. Review your emergency and temporary medical staff credentialing process.

Anticipate questions about how the hospital can onboard additional medical professionals in the event of a public health need or labor issue. Review the organization's credentialing and privileging policy for temporary and/or emergency privileging processes.

3. Check in with your employment and labor advisor.

Prepare yourself to answer questions about employee rights and obligations regarding protective equipment, telecommuting and staffing high risk areas.

4. Preview draft media statements.

Review the organization's media strategy and preview any media statement regarding the COVID-19 response and/or cases. Ensure your public relations team understands whether and how health information may be disclosed.

5. Refresh team members on public health disclosures.

Remind your clinical and operations teams when federal and state laws permit information to be disclosed to public health authorities, families and in emergency situations. The federal Office for Civil Rights has released a useful HIPAA resource document specific to COVID-19.

6. Dust off your emergency preparedness plan.

Review the plan that your clinical and operations teams are likely already putting in place to determine what, if any, gaps exist and legal issues may arise. Examine supply contracts to determine whether force majeure clauses are triggered or if the contract accommodates surge capacity. Ensure legal counsel is included appropriately in the emergency preparedness plan.

7. Refresh team members on EMTALA obligations.

CMS issued guidance on EMTALA obligations during the Ebola outbreak. Review it in preparation for a possible COVID-19 pandemic.

8. Streamline communications regarding COVID-19.

You are likely getting questions from patients and customers about early prescription refills, opportunities for telehealth encounters and safety measures implemented at facility locations. Consider whether and how legal counsel should be involved in making the decisions behind those communications.

If you have questions, contact Katie Ilten, Co-Chair of the Health Law Group, to review any preparation strategies.