

FOR IMMEDIATE RELEASE**September 13, 2018****Contact: HHS Press Office****202-690-6343****media@hhs.gov**

OCR Issues Guidance to Help Ensure Equal Access to Emergency Services and the Appropriate Sharing of Medical Information During Hurricane Florence

As Hurricane Florence makes landfall, the HHS Office for Civil Rights (OCR) and its federal partners remain in close coordination to help ensure that emergency officials effectively address the needs of at-risk populations as part of disaster response. To this end, emergency responders and officials should consider adopting, as circumstances and resources allow, the following practices to help make sure all segments of the community are served:

- Employing qualified interpreter services to assist individuals with limited English proficiency and individuals who are deaf or hard of hearing during evacuation, response, and recovery activities;
- Making emergency messaging available in languages prevalent in the affected area(s) and in multiple formats, such as audio, large print, and captioning and ensuring that websites providing disaster-related information are accessible;
- Making use of multiple outlets and resources for messaging to reach individuals with disabilities, individuals with limited English proficiency, and members of diverse faith communities;
- Considering the needs of individuals with mobility impairments and individuals with assistive devices or durable medical equipment in providing transportation for evacuation;
- Identifying and publicizing accessible sheltering facilities that include accessible features, such as bathing, toileting, eating facilities, and bedding;
- Avoiding separating people from their sources of support, such as service animals, durable medical equipment, caregivers, medication, and supplies; and
- Stocking shelters with items that will help people to maintain independence, such as hearing aid batteries, canes, and walkers.

Being mindful of all segments of the community and taking reasonable steps to provide an equal opportunity to benefit from emergency response efforts will help ensure that the disaster management in all areas affected by Hurricane Florence is successful.

In addition, as part of his declaration of a Public Health Emergency (PHE), HHS Secretary Alex Azar has waived sanctions and penalties under certain provisions of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule that may otherwise apply to covered hospitals, including provisions that generally require covered entities to give patients the opportunity to agree or object to sharing information with family members or friends involved in the patient's care. This waiver applies only to the emergency area and for the emergency period identified in the PHE declaration and only to hospitals that have instituted a disaster protocol. Qualifying hospitals can take advantage of the waiver for up to 72 hours from the time the hospital implements its disaster protocol unless the PHE declaration terminates first.

Even without a waiver, the Privacy Rule allows patient information to be shared to assist in disaster relief efforts and to assist patients in receiving the care they need. As explained in more detail in OCR's Bulletin on Hurricane Florence and HIPAA linked below, the Privacy Rule permits covered entities to share information for treatment purposes, public health activities, and to prevent or lessen a serious and imminent threat to health or safety. The Privacy Rule also allows the sharing of information with individuals' family, friends, and others involved in their care in emergency situations to ensure proper care and treatment.

"HHS is committed to leaving no one behind during disasters, and this guidance is designed to help emergency responders and health and human service providers meet that goal," said Roger Severino, OCR Director. "OCR also provides technical assistance on HIPAA and civil rights to emergency responders and hospitals so they feel empowered to help people and families in crisis."

For more information regarding how Federal civil rights laws apply in an emergency, visit the [OCR's Civil Rights Emergency Preparedness page](#).

For information about how the HIPAA Privacy Rule applies in an emergency, visit the [OCR'S HIPAA Emergency Preparedness, Planning, and Response page](#) or you may use the [HIPAA Disclosures for Emergency Preparedness Decision Tool](#).

For information about emergency requirements for long-term care facilities, visit the [CMS Emergency Preparedness Rule page](#).

For information regarding Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other civil rights authorities, visit the [OCR's Civil Rights Laws and Regulations Enforced page](#).

For general information about the HIPAA statute and the implementing regulations, including the HIPAA Privacy, Security, and Breach Notification Rules, visit the [OCR's HIPAA for Professionals Page](#) .

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