

COVID-19 Patient Exhibiting COVID-19 Symptoms

Prepared for Sykes & Co.
by
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A LAW FIRM

Sykes & Co. is committed to providing important updates to its pharmacy clients as they face the COVID-19 pandemic. One of the steps that Sykes & Co. has taken is to team up with the Health Care Group of Brown & Fortunato (“B&F”), a law firm that specializes in representing pharmacies. B&F has prepared this whitepaper for Sykes & Co. to share with its pharmacy clients.

What if a Patient has COVID-19 Symptoms?

If a pharmacy determines that a patient has COVID-19 symptoms, then it should take the following steps:

1. The pharmacy should establish a standard protocol to minimize contact with the patient but ensures that he/she still receives necessary treatment.

2. An example protocol where a pharmacy interacts with a patient that has symptoms but no diagnosis may require that: (i) the pharmacy will advise the patient to be tested as soon as possible; (ii) the pharmacy will encourage the patient to minimize contact with others; (iii) the pharmacy will provide education to the patient on prevention/mitigation measures (e.g., frequent handwashing, social distancing); and (iv) the pharmacy will isolate the patient from other patients.

3. Where, on the other hand, a pharmacy knows that a patient has tested positive for COVID-19, a policy may require: (i) minimizing interaction with the patient; (ii) establishing a protocol for interacting with the patient to minimize risk of exposure (e.g., gloves, no contact, sanitizing areas after interaction); (iii) encouraging the patient to minimize contact with others; (iv) providing education to the patient on prevention/mitigation measures (e.g., frequent handwashing, social distancing); and (v) isolating the patient from other patients.

4. When symptomatic patients enter a facility, appropriate facility policies may include: (i) isolating the patient to minimize his/her interaction with others by calmly approaching the patient and asking to speak with him/her privately (employee should use protocols to minimize exposure such as wearing gloves and mask); (ii) escorting the patient to an area without others to determine the patient’s needs; (iii) having the patient wait separately for his/her service; (iv) sanitizing any areas the patient came into contact with upon his/her departure; (v) advising the patient to be tested; and (vi) providing the patient with education on minimizing exposure of others.

5. Asking a symptomatic or positive diagnosed patient to leave the facility without providing services raises legal issues and should generally be avoided. Where, however, a patient becomes hostile/violent in response to a pharmacy’s reasonable protocol, it is acceptable to ask the patient to leave to mitigate harm to staff and other patrons. If the patient threatens violence or attempts to harm anyone, the pharmacy should call the police.

6. Obviously, the above only begins to demonstrate the depth of issues facing pharmacies in these uncertain times. Best practice demands the adoption of a solid policy and the

use of common sense and empathy – empathy for patients, staff and others. The pharmacy should act with good reason and common sense and should document everything.

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