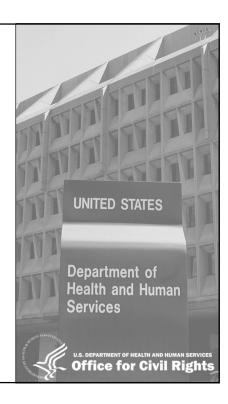
# Update from the HHS Office for Civil Rights on HIPAA and COVID-19

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## **OCR's HIPAA and COVID-19 Updates**

- February Bulletin on HIPAA and COVID-19
- Notification of Enforcement Discretion on Telehealth Remote Communications
- Guidance on Telehealth Remote Communications
- Guidance on Disclosures to Law Enforcement and Other First Responders

### February Bulletin on HIPAA and COVID-19

- How patient information may be shared without a HIPAA authorization
  - Treatment
  - · Public Health Activities
  - Family, Friends and Others Involved in an Individual's Care
  - To Prevent or Lessen a Serious and Imminent Threat
- Cautions against disclosures to the media
- Reminders about the minimum necessary standard and reasonable safeguards

https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf

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# Notification of Enforcement Discretion on Telehealth Remote Communications

- OCR will not impose HIPAA penalties against covered health providers for good faith provision of telehealth using remote communication technologies
- Applies to telehealth provided for any reason (not limited to diagnosis & treatment of COVID-19)
- Covered providers may use popular communications apps, like FaceTime or Skype to provide telehealth
- Public facing communication apps like Facebook Live, Twitch, and TikTok should not be used

https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html

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# **Telehealth Remote Communications Guidance**

- Clarifies how OCR is applying the Notification to support the good faith provision of telehealth
- · Guidance includes:
  - What covered entities are included and excluded under the Notification?
  - Which parts of the HIPAA Rules are included in the Notification?
  - Does the Notification apply to violations of 42 CFR Part 2, the HHS regulation that protects the confidentiality of substance use disorder patient records?
  - Where can health care providers conduct telehealth?
  - o What is a "non-public facing" remote communication product?

https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf

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## Guidance on Disclosures to Law Enforcement and Other First Responders

- Identifies existing HIPAA Privacy Rule permissions and provides examples of when a covered entity may disclose identifying information about individuals, without their HIPAA authorization including:
  - When the disclosure is needed to provide treatment
  - When such notification is required by law
  - To notify a public health authority to prevent or control the spread of disease
  - · When first responders may be at risk of infection
  - To prevent or lessen a serious and imminent threat
- · Reminds about the minimum necessary standard

https://www.hhs.gov/sites/default/files/covid-19-hipaa-and-first-responders-508.pdf

# New HIPAA and COVID-19 Web Page



https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html

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