

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

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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?
 - 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>

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New HIPAA and COVID-19 Web Page

HHS > HIPAA Home > For Professionals > Special Topics > HIPAA & COVID-19

HIPAA for Professionals

Regulatory Initiatives

Privacy +

Security +

Breach Notification +

Compliance & Enforcement +

Special Topics -

HIPAA and COVID-19


Mental Health & Substance Use Disorders

De-identification Methods

Research

Text Resize A A A Print Share Facebook Twitter +

HIPAA and COVID-19



Topics on this page: [First Responders](#) | [Telehealth Notice](#) | [FAQs](#) | [Bulletins](#)

We are empowering medical providers to serve patients wherever they are during this national public health emergency. We are especially concerned about reaching those most at risk, including older persons and persons with disabilities. – Roger Severino, OCR Director.

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<https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html> **7**

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