



## **Telehealth and HIPAA Guidance During COVID-19 National PHE**

As of April 10, 2020  
Retroactive to March 1, 2020

The Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) is responsible for enforcing certain regulations issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

During the COVID-19 national emergency, covered health care providers subject to the HIPAA Rules may wish to seek communication with patients, such as telehealth services, through remote communication technologies. Some of these technologies may not fully comply with the requirements of the HIPAA Rules.

A covered HIPAA provider is required to follow HIPAA Rules when using audio or video communication technology with patients during the COVID-19 emergency. These providers have options and OCR will not impose penalties for noncompliance when good faith provisions are used and enforced. A primary example is to ensure there is a signed HIPAA Business Associate Agreement (BAA) or know that the company has a HIPAA BAA available. The following vendors represent that they provide HIPAA-compliant video communication products and they will enter into a HIPAA BAA:

- Skype for Business / Microsoft Teams
- Updox
- VSee
- Zoom for Healthcare
- Doxy.me
- Google G Suite Hangouts Meet
- Cisco Webex Meetings / Webex Teams
- Amazon Chime
- GoToMeeting
- Spruce Health Care Messenger

OCR and HIPAA recommend that you do not use:

- Facebook Live
- Twitch
- TikTok
- And similar video communication applications



Providers are encouraged to notify patients that these third-party applications potentially introduce privacy risks, and providers should enable all available encryption and privacy modes when using such applications.

OCR will exercise its enforcement discretion and will not impose penalties for noncompliance with the regulatory requirements under the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency. This notification is effective immediately.

Resource: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html?language=es>