

HIPAA Relaxed Guidance and Implications

Websites	
Information on tele-intervention in early childhood	https://ectacenter.org/topics/disaster/tele-intervention.asp
Notification of Enforcement Discretion for telehealth remote communications during the COVID-19 nationwide public health emergency	https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html
Relaxed HIPAA Guidance	
<p>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.</p> <p>A covered health care provider that wants to use audio or video communication technology to provide telehealth to patients during the COVID-19 nationwide public health emergency can use any non-public facing remote communication product that is available to communicate with patients. OCR is exercising its enforcement discretion to not impose penalties for noncompliance with the HIPAA Rules in connection with the good faith provision of telehealth using such non-public facing audio or video communication products during the COVID-19 nationwide public health emergency. This exercise of discretion applies to telehealth provided for any reason, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions related to COVID-19.</p> <p>For example, a covered health care provider in the exercise of their professional judgement may request to examine a patient exhibiting COVID- 19 symptoms, using a video chat application connecting the provider’s or patient’s phone or desktop computer in order to assess a greater number of patients while limiting the risk of infection of other persons who would be exposed from an in-person consultation. Likewise, a covered health care provider may provide similar telehealth services in the exercise of their professional judgment to assess or treat any other medical condition, even if not related to COVID-19, such as a sprained ankle, dental consultation or psychological evaluation, or other conditions.</p> <p>Under this Notice, covered health care providers may use popular applications that allow for video chats, including Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype, to provide telehealth without risk that OCR might seek to impose a penalty for noncompliance with the HIPAA Rules related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency. 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.</p> <p>Under this Notice, however, Facebook Live, Twitch, TikTok, and similar video communication applications are public facing, and should <u>not</u> be used in the provision of telehealth by covered health care providers.</p>	

Popular Apps that Can Be Used	Popular Apps that Cannot Be Used
<ul style="list-style-type: none"> • Apple FaceTime • Facebook Messenger video chat • Google Hangouts video • Skype 	<ul style="list-style-type: none"> • Facebook Live • Twitch • TikTok
HIPAA Compliant Software/Apps for Telehealth*	
<ul style="list-style-type: none"> • Adobe Connect • Clocktree • Doxy.me • Zoom 	

* This list is not exhaustive, and is in progress.

Internet, Data and Cell Services	
Free Comcast wifi hotspots across the country	https://wifi.xfinity.com/
	Once at a hotspot, select the 'xfinitywifi' network name in the list of available hotspots and then launch a browser. Xfinity Internet customers can sign in with their username and password, and they will be automatically connected at Xfinity WiFi hotspots in the future. Non-Xfinity Internet subscribers should visit the 'Not an Xfinity Internet Customer' section on the sign-in page to get started. Non-customers will be able to renew their complimentary sessions every two hours.
Internet Service Providers Lifting Data Caps (good for teleworking)	https://www.pcworld.com/article/3532817/which-internet-providers-are-lifting-data-caps-during-the-coronavirus-and-which-arent.html
Cell phone services	Carriers have all taken steps to help customers maintain service and connectivity, including removing data caps , providing additional hotspot data, and not terminating service if customers are unable to pay their bills because of the coronavirus.
	https://www.whistleout.com/CellPhones/News/wireless-carriers-offer-unlimited-data-plus-hotspot-during-coronavirus-outbreak