

Regal Medical Group / Lakeside Community Healthcare / ADOC Medical Group / Greater Covina Medical Group, Inc. / Heritage Provider Network, Inc. Providers

The below discusses new guidance from the Office of Civil Rights (OCR) that may assist your practice in providing remote services to your patients.

The Office of Civil Rights has allowed for the following temporary relaxing of HIPAA during the COVID-19 crisis. The notification may be found at: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

Key points and provisions are as follows:

During the COVID-19 nationwide public health emergency, providers may use certain audio or video communication technology that would otherwise not be approved during non-emergency times. This permission applies to the use of telehealth for any reason, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions connected to COVID-19. Services that may be used are non-public facing applications such as:

- **Apple FaceTime**
- **Facebook Messenger Video Chat**
- **Google Hangouts Video**
- **Skype**

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. Under this notice, OCR will not impose penalties against covered healthcare providers for the lack of a BAA with video communication vendors or any other noncompliance with the HIPAA rules that relates to the good faith provision of telehealth services during the COVID-19 nationwide public health emergency.

Public facing applications such as TikTok, Twitch or Facebook Live may not be used. Should you seek additional privacy for telehealth consultations, please use an approved HIPAA compliant video communication tool such as Skype for Business or Zoom for Healthcare.

Regal Medical Group / Lakeside Community Healthcare / ADOC Medical Group / Greater Covina Medical Group, Inc. / Heritage Provider Network, Inc. is not providing any legal advice or guidance, but rather encourages our providers to seek any necessary professional counsel or guidance from their legal counsel, professional liability (E&O) insurance providers, computer technology and security providers, and/or from their professional associations relative to use or initiation of telehealth services with your patients and assigned members, based upon this emergent situation and based upon the referenced Notification from HHS Office of Civil Rights.