

NOTIFICATION OF ENFORCEMENT DISCRETION FOR TELEHEALTH REMOTE COMMUNICATIONS DURING THE COVID-19 NATIONWIDE PUBLIC HEALTH EMERGENCY

Effective immediately, the Office for Civil Rights at the Department of Health and Human Services is allowing for noncompliance with the regulatory requirement 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 exercise of discretion applied to telehealth provided for any reason.

A covered health care provider in the exercise of their professional judgement may examine a patient using a video chat application connecting the provider's or patient's phone or desktop computer or a phone call 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.

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 related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency. Under this Notice, however, the following video communication applications are public facing and should NOT be used Facebook Live, Twitch, TikTok and similar video communication applications.

We are notifying you that these third-party applications potentially introduce privacy risks and we are enabling all available privacy modes when using such applications. We will bill your insurance company for your telehealth visit and you will be responsible for all deductibles and copays.

Patient Signature
Print Patient Name:

Date

Therapist Signature
Print Therapist Signature:

Date