

TELEHEALTH 201: HIPAA & Privacy



Center for Connected
Health Policy

THE NATIONAL
TELEHEALTH POLICY
RESOURCE CENTER



CENTER FOR CONNECTED HEALTH POLICY (CCHP)

Mei Wa Kwong, JD,
Executive Director, CCHP

is a non-profit, non-partisan organization that seeks to advance state and national telehealth policy to promote improvements in health systems and greater health equity.

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- **Any information provided in today's talk is not to be regarded as legal advice. Today's talk is purely for informational purposes.**
- **Always consult with legal counsel.**
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HIPAA

- **Health Insurance Portability and Accountability Act (HIPAA)**
 - Federal law – Passed in Congress in 1996
 - National standards to protect medical records and other personal health information
 - Applies to health plans, health care clearinghouses, and health care providers
 - Sets limits on what information can be disclosed without patient consent
 - Patients given rights over their information such as right to examine and obtain records

Source: <https://www.hhs.gov/hipaa/for-professionals/privacy/index.html>



STATE LAWS

➤ **State Health Information & Privacy Laws**

- HIPAA is the floor
- States may have more stringent laws in place in regards to health information
- States cannot have laws that are of lesser strength or run counter to HIPAA. If they do, the federal law will prevail
- However, states can have much stronger/stricter laws than HIPAA

➤ **Example: California**

- California Confidentiality of Medical Information Act (CMIA) vs. HIPAA
- CMIA includes among those who are required to abide by CMIA “recipients” of health care information, which differs from HIPAA and CMIA’s definition of “provider of health care” more extensive than HIPAA’s



WHAT DOES THIS ALL MEAN FOR TELEHEALTH?

- **Obligations to follow HIPAA and other privacy laws do not change**
Us of telehealth does not change because you are using telehealth. If you fall into one of the categories that HIPAA or a privacy law applies to, you must abide by it.
- **What do I need to do differently?**
You may need to alter your thinking and protocols when utilizing telehealth to ensure you are protecting patient information when using telehealth. These safeguards may differ from what you typically do when providing in-person examples.
- **Be mindful of where you are practicing!**
Because telehealth allows you to easily cross state borders when providing services, make sure you check relevant laws and regulations to make sure you are in compliance!



EXAMPLES

➤ **Business Associate Agreements**

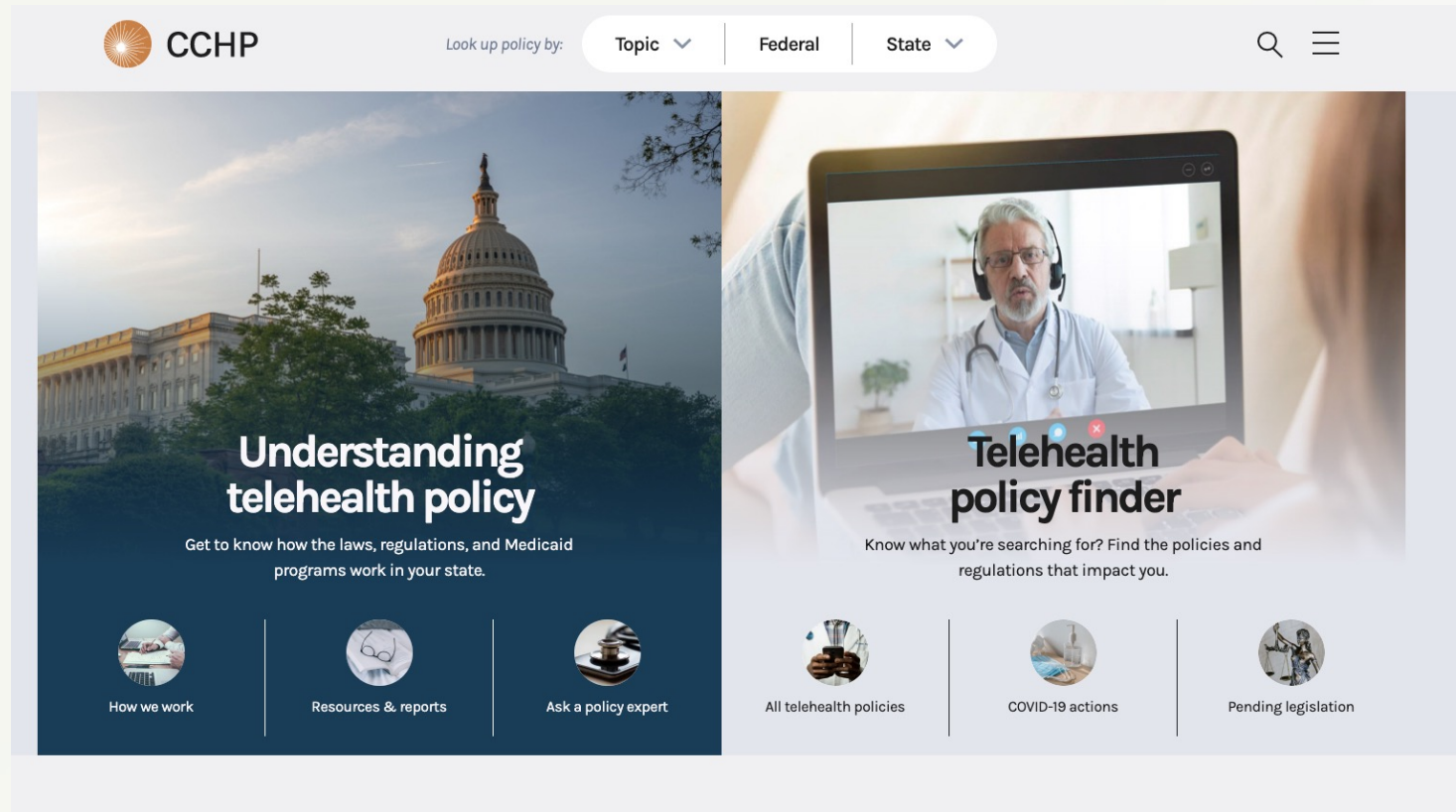
You may need to get new business associate agreements (BAA) when you start providing telehealth services. For example, you may need a BAA from your telehealth platform vendor.

➤ **Training for Staff**

Staff who may not have needed certain training when providing services in-person may need it when you shift to providing services via telehealth or may need additional training to comply with certain state requirements, depending on where you intend to practice.



➤ CCHP Website – cchpca.org



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www.cchpca.org

info@cchpca.org

