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## An Update From Bodman PLC

Bodman PLC | [COVID-19 Response Team Website](#)

March 2020

### **Notification of Enforcement Discretion for Telehealth Remote Communications during the COVID-19 Nationwide Public Health Emergency**

In general, in an emergency, the HIPAA Security rule requires covered entities to continue to implement reasonable safeguards to protect patient information against intentional or unintentional impermissible uses and disclosure. Therefore, even with increased use of telehealth as permitted under the recently signed Coronavirus Preparedness and Response Supplemental Appropriations Act of 2020, covered entities and their business associates, would still need to apply the administrative, physical, and technical safeguards of the HIPAA Security Rule to electronic protected information. However, to facilitate increased use of telehealth services, the Office for Civil Rights (OCR) has relaxed the HIPAA Security Rules. The OCR recognizes that health care providers will want to provide increased telehealth services to Medicare patients and all other patients as well as communicate with patients via remote communication technologies that may not otherwise comply with HIPAA requirements.

Effective as of March 17, the OCR will exercise its enforcement discretion and refrain from imposing penalties on health care providers for non-compliance with HIPAA requirements as it relates to those health care providers good faith provision of telehealth services to their patients during this nationwide health emergency.

#### [Notification of Enforcement Discretion](#)

If you have questions, please contact your Bodman attorney, Brandon Dalziel at **(313) 393-7507** or **bdalziel@bodmanlaw.com**, or Joe Nuyen at **(313) 392-1071** or **jnuyen@bodmanlaw.com**.