



**March 2020**

## **FAQs: COVID-19 Telehealth and HIPAA Privacy & Security**

During the COVID-19 Nationwide Public Health Emergency, the federal privacy requirements for providing telehealth services have been **temporarily** relaxed. Alameda County Health Care Services Agency (HCSA) staff and contractors providing direct services to clients via telehealth should follow these guidelines **during the COVID-19 emergency**. We will update you as new information becomes available or when federal privacy regulations resume enforcement.

### **Video and Chat Communications**

#### **1. What is Telehealth?**

It means the use of electronic information and telecommunications technologies for remote delivery of healthcare by a range of options, including by landline or mobile phones, the internet, videoconferencing, and text messaging.

#### **2. What Telehealth applications should I use?**

##### **Preferred:**

There are several companies that provide the **MOST** secure remote communication applications such as, Skype for Business, Updox, VSee, Zoom for Healthcare, Microsoft Teams Video, and Doxy.me. This is not an exhaustive list, and HCSA does not endorse any of these vendors.

##### **Acceptable:**

During the COVID-19 emergency, you may use the following video and chat applications that offer secure (i.e., end-to-end encryption) connection such as, Apple FaceTime, WhatsApp, Signal, Jabber, or iMessage.

**Note:** We encourage you to consult with your Information Systems staff. Please ensure any specific arrangements with these applications meet privacy and security requirements that will keep the client information protected.

#### **3. Which communication applications are strictly PROHIBITED?**

Public-facing (i.e., not secure and open to broader audience) communication applications such as, Facebook Live, Twitch, TikTok, or chatrooms like Slack do not meet the privacy and security requirements and should **NOT** be used. Using these applications for telehealth services are subject to HIPAA enforcement and penalties.

**4. I have a personal WhatsApp account. Can I use this to provide Telehealth services to clients?**

No. When using any communication applications to communicate with clients, create/use a professional account in order to avoid exposing your personal information.

**5. Do I need to obtain a verbal or written consent? If so, what do I say?**

Yes. A verbal consent must be obtained and documented in clients chart prior to providing telehealth services.

We recommend the following script: “Due to the current COVID-19 pandemic, services are temporarily being delivered via cell phone, video communication or chat applications. Before discussing any services with you, I want to ensure you understand that someone could access this communication. Do you understand that this transmission may not be secure? If you understand, are you ok with continuing our discussion?”

## Text Messaging Communications

**Do NOT** use text messaging to provide services to a client unless they refuse to use a more secure method of communication such as telephone or video communication. If text messaging is used, follow these guidelines:

- Obtain verbal consent from client prior to texting.
- Protect the client’s identity when saving contact information, i.e. using initials rather than name.
- Authenticate the recipient before providing any telehealth services via text, i.e. send an initial text asking client to confirm month of birthday or initials.
- Document text message exchanges in the client’s health record.
- Text message exchanges with clients should be regularly deleted from the account/device.

## Questions or concerns

All questions or concerns about privacy may be directed to your agency Privacy Officer, your Alameda County Privacy contact or HCSA Office of Compliance Services at [HCSA.Compliance@acgov.org](mailto:HCSA.Compliance@acgov.org).

Thank you for protecting the personal information of the individuals we serve and for maintaining the safety and security of our data systems.