



Policy: To empower our consultants for telehealth remote communications –COVID 19

In these unchartered times when remote work is being requested and encouraged questions related to HIPAA and maintaining secure resident information have come up. Regulatory agencies have identified that our current situation in healthcare is not “business as usual” and have made adjustments designed to promote telemedicine and remote visits in an effort to reduce the spread of COVID 19.

CMS has issued the following guidance:

Effective immediately, the HHS Office for Civil Rights (OCR) will exercise enforcement discretion and waive penalties for HIPAA violations against health care providers that serve patients in good faith through everyday communications technologies, such as FaceTime or Skype, during the COVID-19 nationwide public health emergency.

US Department of Health and Human Services also provides guidance:

OCR will exercise its enforcement discretion and will not impose penalties for noncompliance with the regulatory requirements 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 notification is effective immediately.

Based on this information Dietary Solutions is recommending the following practices be utilized to provide adequate nutrition care during these emergency times:

- 1) Email communications including resident names and personal information may be sent from Dietary Solutions email accounts to individuals at facilities into their business email account without password protection. This will enable quicker communication between consultants and facilities. Please do not use your personal email accounts such Hotmail, Yahoo, Gmail, etc.
- 2) Consultant Reports and Nutrition Recommendations may be completed electronically and attached to an email sent from Dietary Solutions email accounts to individuals at facilities with business email accounts without password protection. This will enable quicker communication between consultants and facilities.
- 3) Consultant Reports and Nutrition Recommendations may be sent from Dietary Solutions accounts to reports@dietarysolutions.net rather than faxing to the secure server.
- 4) Personal cell or home phones may be utilized to complete telehealth consultations with residents or facility staff as long as non-public facing remote communication products are utilized. Ex: Facetime, Skype, Zoom, are acceptable
- 5) Remote meeting attendance is encouraged utilizing personal cell or home phones to coordinate resident care with the facility IDT.

Resources:

<https://www.cms.gov/files/document/general-telemedicine-toolkit.pdf>

<https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>