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## President suspends HIPAA penalties to facilitate telehealth, effective immediately

March 17, 2020

Area(s) of Interest:

President Donald Trump today announced the federal government is immediately suspending HIPAA enforcement and penalties to facilitate use of telehealth for health care services in both the Medicare and Medicaid programs.

The expansion of telehealth services will help ease the rush of America's hospitals as the number of COVID-19 cases is expected to dramatically increase in the coming days. Trump's order will help keep sick people out of the hospitals, and make it easier for those who have other medical issues to stay away from hospitals, where they can both put themselves at risk and take up much needed capacity in our health care facilities.

Effective immediately, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) will 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.

The California Medical Association (CMA) is reviewing whether any state laws would need to be waived for these forms of telehealth to be utilized for California patients insured through Medi-Cal and commercial payors.

CMA continues to urge Governor Gavin Newsom to issue an executive order to expedite and expand access to telehealth services, which can help physician practices manage screening and care while reducing potential exposure and continued spread of COVID-19.

Last year, CMA sponsored AB 744 which allows physicians to be reimbursed for telehealth services. That law is scheduled to go into effect in 2021, but CMA is urging Gov. Newsom to implement that law immediately.

In an interview with Politico earlier this week, CMA CEO Dustin Corcoran said remote care is needed immediately to ease demands on our health care system "without patients coming into an environment where they could be exposed or come into a system already overwhelmed with a huge surge of patients. "Telehealth is an essential component of dealing with COVID-19," he said.

CMA is working with payors to better understand how physicians can and should bill for these services. CMA is also urging payors to standardize these processes to minimize the administrative burden on our health care system during this crisis.

For the fact sheet on this announcement: **MEDICARE TELEMEDICINE HEALTH CARE PROVIDER FACT SHEET**

CMA's Key Takeaways: **Medicare Telehealth Waiver Guidance: Key Takeaways**

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*The California Medical Association (CMA) has set up a **COVID-19 resource page**, where you will find links to the latest news, research and developments on the COVID-19 outbreak for physicians and other health care providers.*



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