

MEMORANDUM (UPDATE 3/18/2020)

DATE: March 18, 2020
TO: ACBH Staff and Providers
FROM: Aaron Chapman, MD, Medical Director and Chief Medical Officer
Ravi Mehta, Chief Compliance and Privacy Officer
SUBJECT: LEVERAGING TECHNOLOGY TO MEET CLIENT NEEDS - NEW GUIDANCE FROM DHHS-OCR

ACBH and the Office of the Medical Director continue to receive inquiries from staff and providers regarding flexible treatment approaches to meet client needs during COVID-19 nationwide public health emergency. As we find ourselves in these unprecedented times, we would like to reassure you that the health and well-being of our staff, clients and communities is our highest priority. With the incredible speed at which things are changing around us, we are closely monitoring for changes in Federal, State and local guidance and we are continually adapting our operations and business to meet the needs of our clients, staff and community partners.

Yesterday, the Office of Civil Rights (OCR) announced that it will waive potential HIPAA penalties for good faith use of telehealth during the nationwide public health emergency due to COVID-19. The notification explains how covered health care providers can use everyday communications technologies to offer telehealth to patients responsibly.

A covered health care provider that wants to use audio or video communication technology to provide telehealth to patients during the COVID-19 nationwide public health emergency “can use any non-public facing remote communication product that is available to communicate with patients.” This exercise of discretion applies to telehealth provided for any reason, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions related to COVID-19. This will include the treatment of behavioral health conditions.

Under this Notice, covered health care providers may use popular applications that allow for video chats, including *Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype* to provide telehealth without risk that OCR will impose a penalty for noncompliance with the HIPAA Rules; or for a lack of a Business Associate Agreement (BAA) with video communication vendors. This guidance includes any other noncompliance with the HIPAA Rules that relates to the good faith provision of telehealth services. *Providers are encouraged to notify patients that these third-party applications potentially introduce privacy risks, and providers should enable all available encryption and privacy modes when using such applications.*

Note: Facebook Live, Twitch, TikTok, and similar video communication applications are public facing video communication platforms, and should NOT be used in the provision of telehealth by covered health care providers.

Providers should enter Treatment Location Code 20 (Telehealth) when entering services directly in InSyst or via Clinician’s Gateway (CG) for all Telehealth (remote real-time interactive videoconferencing) services effective Friday, March 20, 2020.

ACBH believes that these changes will dramatically change the environment, easing the provision of telehealth services where appropriate in terms of meeting client needs.

Thank you for your continued commitment to serving our clients.





Resources:

For full Office of Civil Rights (OCR) guidance, please go [here](#).

Information regarding specific Medicare allowable Telehealth procedure codes and general Telehealth information can be found on the CMS website via the following link www.cms.gov/Medicare/Medicare-General-Information/Telehealth/index.

Please contact Aaron Chapman, MD, Chief Medical Officer with any questions regarding this guidance aaron.chapman@acgov.org

Please contact Provider Relations @ (800) 878 – 1313 with regards to any issues or concerns regarding entering services or treatment location code.



Alameda County Behavioral Health Care Services

A Department of Alameda County
Health Care Service Agency