

Telehealth/Virtual Contact Policy

It is the policy of the Office of Aging and Adult Services (OAAS) that all staff, contractors, Support Coordination Agencies (SCAs) and providers comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 when conducting any form of telehealth/virtual contacts. Telehealth/virtual contacts include, but are not limited to, the following:

- Virtual visits;
- Texting; and
- Audio/telephone communication.

Telehealth Definition

OAAS adheres to the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services' (HHS) definition of telehealth.

According to HRSA, telehealth is defined as the use of electronic information and telecommunications technologies to support and promote long-distance clinical health care, patient and professional health-related education, and public health and health administration. Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and landline and wireless communications.

Telehealth services include, but are not limited to, the following:

- Audio calling,
- Text messaging, or
- Video communication technology, including video conferencing software.

Participant's Rights and Assurances

- Participants have the right to refuse telehealth/virtual contacts.
- The participant's right to privacy must be respected at all times.
- Participants must be provided written instructions for participating in telehealth/virtual contacts.
- The telehealth facilitator, either OAAS staff, contractor, SCA or provider, must ensure that the participant understands the guidelines for participation in telehealth/virtual contacts.
- Telehealth/virtual contacts should take place in private locations. Participants should not receive telehealth services in public or semi-public settings, unless an exigent circumstance exists, which would require the participant's consent. If telehealth/virtual contacts cannot be provided in a private setting, providers should continue to implement reasonable HIPAA safeguards to limit incidental uses or disclosures of Protected Health

Information (PHI). Such reasonable precautions include using lowered voices, not using speakerphone, and recommending that the participant move to a reasonable distance from others when discussing PHI.

- It is important to conduct telehealth/virtual contacts in a quiet, private space that is free of distractions.
- Video cameras/monitors are not permitted in bedrooms and bathrooms, therefore these rooms cannot be used for telehealth/virtual contacts.
- Sessions must not be recorded without consent from the participant and/or responsible representative (as applicable).
- The participant's identity must be verified.
- The participant must be informed of all individuals who are present and the role of each individual.

Telehealth/Virtual Visit Platforms

Video communication software/platforms used for telehealth/virtual contacts must be HIPAA compliant. Some vendors may offer software/platforms free of cost but require HIPAA Business Associate Agreements (BAAs).

Vendors that may provide HIPAA-compliant video communication products include the following:

- Updox;
- Vsee;
- Zoom for healthcare;
- Doxy.me;
- Skype for Business/Microsoft Teams; or
- GoToMeeting

Exclusions

Non-facing video communication applications (apps) or platforms that are not HIPAA compliant cannot be used. These include, but are not limited to, the following:

- Apple FaceTime;
- Facebook Messenger video chat;
- Google Hangouts video;
- Zoom; or
- Skype

If a participant requires hands on/physical assistance to participate in a telehealth/virtual contact and they do not have informal support to provide that assistance, the contact must be conducted face-to-face.

Policy Compliance and Enforcement

Any individual, contractor, SCA or provider that is non-compliant with these telehealth/virtual contact HIPAA requirements, may be subject to federal civil money penalties and LDH sanctions in accordance with LDH employment and/or contractual, provider or SCA agreements.