

New Flexibility for Telehealth: Waiving Cost-Sharing Obligations and Using Audio/Video Communications

On March 17, 2020, the Department of Health and Human Service (“HHS”) Office of Inspector General (“OIG”) issued a policy statement recognizing the “regulatory flexibility necessary to adequately respond to COVID-19 concerns.” The OIG will not subject providers of telehealth services to sanctions for reducing or waiving cost-sharing obligations, such as coinsurance and deductibles, during the COVID-19 public health emergency declaration. The public health emergency declaration will last at least 90 days from the date of issuance on January 27, 2019, but is likely to be extended. The OIG’s policy statement is available [here](#).

Further, the HHS Office for Civil Rights (“OCR”) will not impose penalties for noncompliance with HIPAA when providers use video or audio chat applications to communicate with patients. The OCR specifically refers health care providers to popular applications such as Apple FaceTime and Facebook Messenger. Providers should notify patients of potential privacy risks, if possible. The OCR’s notification is available [here](#).

If we can be of assistance and to discuss various options and specific situations, please feel free to contact any of the Buchalter Health Care Group Attorneys.



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