



Changes to Privacy Policies and Regulations in the Face of the Coronavirus Pandemic

April 14, 2020

Agenda

- **Welcome**

- **Alice Leitner, JD, Vice President & Senior Counsel, eHealth Initiative**

- **Conversation with:**

- **Alice Leiter, JD, Vice President & Senior Counsel, eHealth Initiative**

- **Julie Barnes, JD, Founder and Principal, Maverick Health Policy**



Today's Speakers



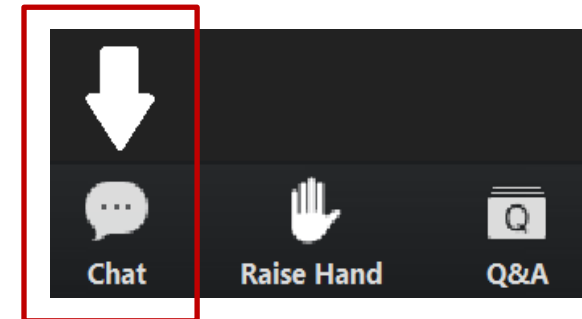
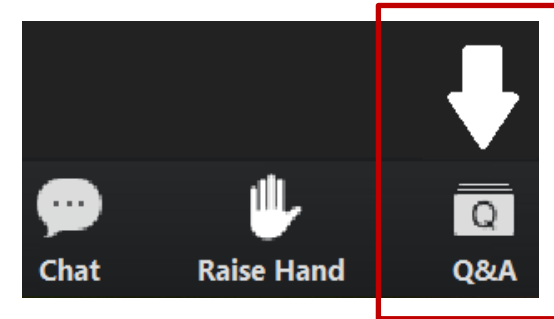
Julie Barnes, JD



Alice Leiter, JD

Housekeeping

- **All participants are muted**
- **To ask a question to be answered by speakers:**
 - Use the “Q&A” box found on the bottom of your screen
 - We will address as many as possible after the presentations
- **For help with technical difficulties and non-speaker questions:**
 - Use the “chat” box and we will respond as soon as possible
- Slides and a recording of today’s presentation will be available for download on eHI’s Resource page: www.ehidc.org/resources

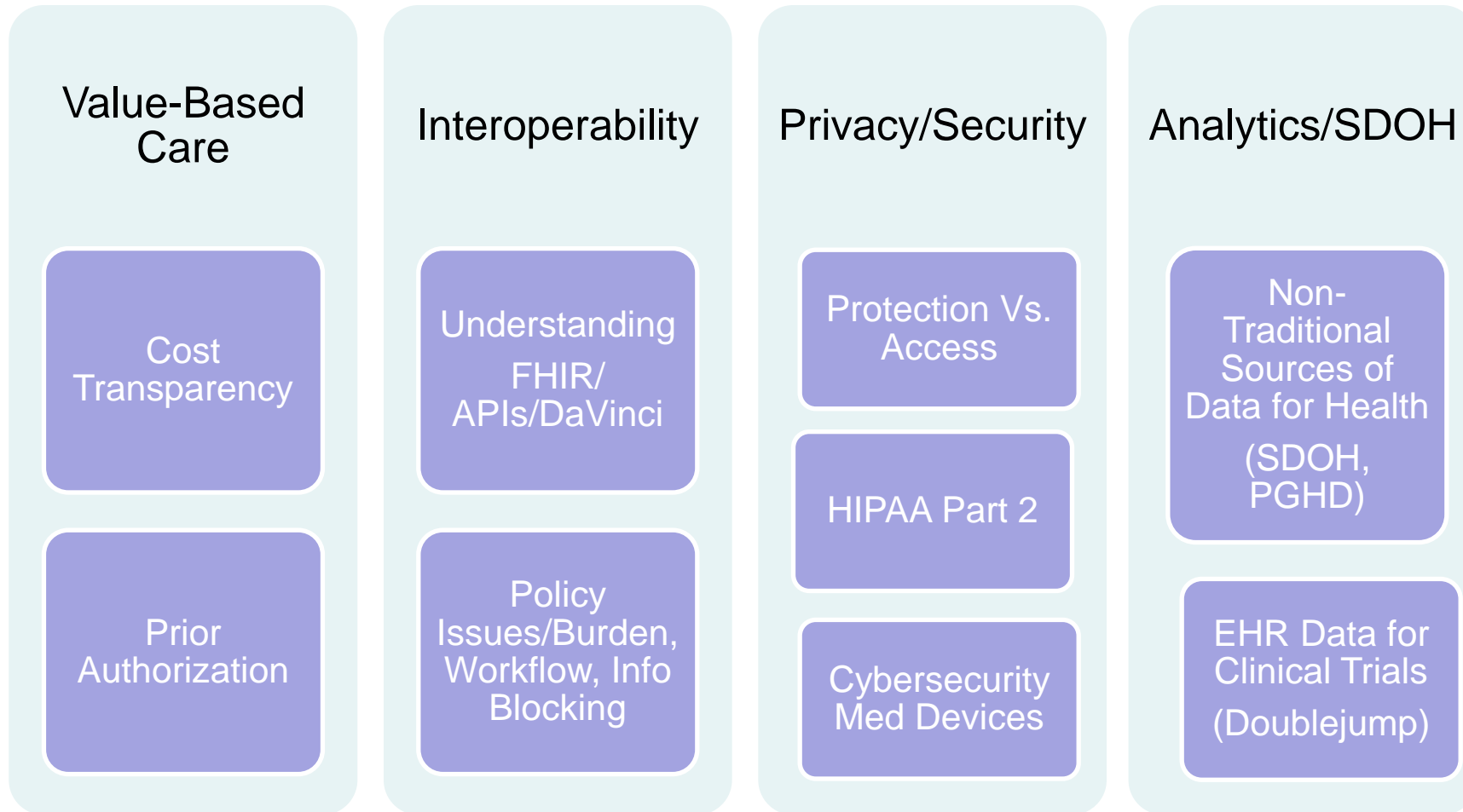


eHI's Mission

Convening executives from every stakeholder group in healthcare to discuss, identify and share best practices to transform the delivery of healthcare using technology and innovation.



Current Areas of Focus



eHealth Resource Center

www.ehidc.org/resources

- eHealth Resource Center available with best practices & findings identifying and disseminating best practices
- Online Resource Center: over 600 new pieces of content, 125 best practices added this year





- **April 21** – The HIE Playbook for Overcoming Data Challenges During the Pandemic
- **April 23** – COVID-19 - Billing for Telehealth Services

Background

- Congressional priorities related to privacy before COVID-19
- Shift in priorities given a public health crisis
- Relaxation of privacy rules to promote data collection and sharing



Privacy Rules in a Public Health Emergency

- HIPAA Privacy Rule permits covered entities to disclose necessary protected health information (PHI) without individual authorization to certain people and entities, for certain purposes
- HIPAA is deferential to providers in a public health crisis



What's Changed?

- HHS has issued three HIPAA-related waivers to reassure providers worried about liability for HIPAA violations
 1. Sanctions and penalties waived against covered hospitals
 2. Relaxed enforcement of telehealth services
 3. Allowances for new types of testing sites



Changes to Privacy Regulations

- CARES Act made changes to Part II regulations governing records related to treatment of substance abuse disorders
- Adds important new protections



Sticky Privacy-Related Issues

1. Reporting requirements for hospitals with in-house labs
2. Sharing of decedents' information



Other Changes on the Horizon

- Digital surveillance and tracking tools
- National tracking system proposed by Trump administration
- Proposal to build a national COVID-19 surveillance system by five prominent healthcare experts
- Apple and Google announcement on contact tracing; another project (“Private Kit”) led by MIT



Contact Tracing Concerns

- Ethical and privacy concerns raised by smartphone-enabled contact tracing
- Congressional Democrats seeking information and answers from White House



Questions for the Speakers?



Julie Barnes, JD



Alice Leiter, JD