

iSIG

Internet, Social Media, & Technology
An AGPA Special Interest Group

Basics of HIPAA Compliance for Telehealth

In any behavioral health setting, clinicians are required to abide by the Health Insurance Portability and Accountability Act (HIPAA). Under HIPAA, the piece that health professionals must abide by is the *Accountability* portion of the act which ensures health data integrity, confidentiality, and availability. It is the responsibility of the **clinician** to ensure confidentiality and security of all personal health information of their patients or clients.

HIPAA Security Rule:

- Only authorized users should have access to ePHI (electronic personal health information).
- A system of secure communication should be implemented to protect the integrity of ePHI.
- A system of monitoring communications containing ePHI should be implemented to prevent accidental or malicious breaches.

Purpose of a Business Associate Agreement

When electronic personal health information (ePHI) is created by a healthcare provider or a healthcare organization (covered entity) and is stored by a third party, the covered entity is required to have a Business Associate Agreement (BAA) with the party storing the data. This BAA must include methods used by the third party to ensure the protection of the data and provisions for regular auditing of the data's security.

Things to consider when deciding to engage in Teletherapy services from a HIPAA Compliance perspective:

- Is the place in which I am delivering services considered to be secure, and private?
- Is my internet connection secure and encrypted (not utilizing public wifi)?
- Does the telehealth platform I am using provide a Business Associate Agreement?
- Is any of the information that I am communicating with my client and the method that I am using meet HIPAA standards? (E-mail/texting versus Secure Messaging)

As always, be sure to consult with your attorney and liability insurance carrier to ensure your practice meets minimum acceptable practice standards

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