
COVID-19: FAQ for Optum Privacy Office – Telehealth

Updated on April 2, 2020

On March 17, 2020, the Department of Health and Human Services (HHS) released a [Notification of Enforcement Discretion](#) for telehealth remote communications during the COVID-19 nationwide public health emergency. The bulletin permits covered health care providers to use alternative applications such as Apple FaceTime and Skype to provide telehealth without the risk that OCR might seek to impose a penalty for noncompliance with the HIPAA Rules during the COVID-19 nationwide public health emergency.

What Does This Mean For Optum

- Although the bulletin permits providers to use the applications as mentioned above to provide telehealth to patients during the nationwide public health emergency, Optum Clinical Leadership has only approved OptumCare Care Delivery Organizations (CDOs) to use **AmWell** and **securevideo.com** for use.
- OptumCare Care Delivery Organizations (CDOs) may continue to use previously approved vendor solutions, including Vidyof, Teladoc, and Tokbox, where possible.
- If CDOs want to use a different solution, OptumCare leadership requires that CDOs perform a COVID-19 risk analysis before using a new telehealth application. See the March 19, 2020, PowerPoint presentation from Optum Clinical Leadership for more information (distributed to CDO leaders). Possible alternate telehealth applications include FaceTime, Skype for Business, Zoom for Healthcare*, or Microsoft Teams as they have had security and privacy review and may have enterprise licenses.
- Other applications may be considered, but will require heightened privacy and security review.

CDOs Applications Use

Are Optum CDOs limited to using these applications only for the purposes of treating COVID19 related issues? No, CDOs can use these applications to discuss any treatment issues with patients that would normally be discussed during in-person appointments.

Using FaceTime And Skype

Can all of Optum use FaceTime and Skype to perform telehealth services under the HHS Notification? No, only HIPAA provider covered entities can use the solutions under the bulletin. This includes Optum provider entities typically referred to as CDOs. Other Optum Businesses may only use such entities after Privacy and Security review and approval.

Applications On Personal Phones

Can employees of a CDO use these applications on personal phones to conduct telehealth with patients? CDO employees should use the solutions on company issued devices where possible, but personal devices can be used if company-issued devices are not available. When using the applications on personal mobile devices, employees should:

*Zoom for Healthcare will require an SPR and submittal of a Risk Review Request
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- Ensure the personal device is protected with a password, passcode or biometrics.
- Keep the personal device in their custody at all times.
- Do not allow others access or use of the device.
- Delete the call history/chat logs daily.

Using AmWell Or Securevideo.com

What are the next steps for a CDO that wants to use *AmWell* or *securevideo.com* for use?

- Contact Cliff Bergfeld at cliff.bergfeld@optum.com for instructions on how to set up the solutions.
- Notify Optum Enterprise Information Security at EISAECommunications@optum.com
- A sample telehealth consent is attached here as Attachment A. This allows consent for treatment and addresses routine disclosures and sensitive conditions. This template should not replace current telehealth consents that are already in use. Check with local legal counsel to ensure the consent is customized to meet state requirements.
- If you need an alternate consent (such as verbal), please contact Anna Schifsky at anna.m.schifsky@privacy.com.

Using Alternate Telehealth Applications

What are next steps for a CDO that wants to use a reviewed alternate telehealth application such as FaceTime to provide clinical care to patients in response to COVID-19?

If the CDO determines there is an essential need to use an alternate application it must:

- Conduct a risk analysis as outlined in the March 19, 2020, OptumCare leadership guidance.
- Contact Cliff Bergfeld cliff.bergfeld@optum.com.
- Notify Optum Enterprise Information Security at EISAECommunications@optum.com
 - the business area that will use the application
 - the application name
 - the number of providers/clinical staff who will use it
 - whether the application is being used on a company issued or personal device
- Prior to interacting with patients on FaceTime, Skype for Business, Microsoft Teams or Zoom for Healthcare, the Optum entity should Inform patients that use of the applications is subject to application's terms and policies. If possible, they should use the written telehealth consent at Attachment A.

Using A Non-reviewed Application

What if the CDO wants to use an un-reviewed application? The recommended solutions are AmWell and securevideo.com. If the CDO seeks to use a solution that is not approved, contact Cliff Bergfeld cliff.bergfeld@optum.com and EISAECommunications@optum.com for guidance on the next steps.

How Long Can CDOs Use Alternate Telehealth Applications

How long can CDOs use other telehealth applications such as FaceTime and Skype for Business for telehealth? The HHS permission for using these applications extends as long as the nationwide public health emergency is in effect. When no longer in effect, you will receive additional guidance from OptumCare leadership and Optum Privacy and Security.

Additional Resources

- [Health and Human Services \(HHS\) Notification of Enforcement Discretion](#)
- [COVID-19 Hub Resources page](#)
- privacy@optum.com or EISAECommunications@optum.com