



# Office for Civil Rights Guidance on Remote Communication Technologies for Delivering Audio-Only Telehealth

During the COVID-19 public health emergency (PHE) the U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) sought to increase access to treatment by issuing guidance on the use of remote communication technologies<sup>1</sup>, including audio-only technology (e.g., Voice over Internet Protocol (VoIP) and mobile technologies that use electronic media such as the internet, intra- and extranets, cellular, and Wi-Fi), to provide telehealth<sup>2</sup> in compliance with HIPAA. While the PHE ended on May 11, 2023, OCR's guidance on the use of audio-only technology for telehealth remains in effect.

## WHAT YOU NEED TO KNOW

Healthcare providers covered by HIPAA can use remote communication technologies to provide telehealth services, including audio-only services, in compliance with the HIPAA Privacy Rule.

### A closer look

OCR's guidance addresses four HIPAA areas of focus that are relevant to the delivery of audio-only telehealth services: the Privacy Rule, the Security Rule, Business Associate Agreements (BAAs), and service coverage/payment.

### The HIPAA Privacy Rule

When delivering audio-only telehealth services, providers should apply reasonable safeguards to protect patient privacy, such as verifying the patient's identity, delivering services in a private setting, using a lowered voice, and not using speakerphone.

## The HIPAA Security Rule

When providers deliver audio-only telehealth services by a traditional landline, the information being transmitted is not electronic and therefore HIPAA Security Rule does not apply. This is true regardless of the type of telephone technology the patient uses.

However, when providers deliver audio-only telehealth services by electronic communication technologies, (e.g. Voice over Internet Protocol (VoIP), the Internet, intra- and extranets, cellular, and Wi-Fi) the HIPAA Security Rule applies. This is also true regardless of the type of technology the patient uses.

## Business Associate Agreements (BAAs)

When a healthcare provider is using remote communication technologies provided by a vendor to deliver audio-only telehealth to patients, the healthcare provider does not need to sign a BAA with the vendor unless the vendor is acting as a business associate.<sup>3</sup>

## Service Coverage/Payment

Healthcare providers covered by HIPAA may offer audio-only telehealth services in compliance with HIPAA regardless of whether a health plan covers or reimburses for those services.

[Click Here For OCR's Guidance on How the HIPAA Rules Permit Covered Health Care Providers to Use Remote Communication Technologies for Audio-Only Telehealth.](#)

[Click Here for OCR's Best Practice Guides For Using Telehealth](#)

## For More Information Resources

This resource is one of many that are available within the CoE-PHI's resource library, which can be found at [coephi.org](http://coephi.org).

## Request Technical Assistance

You can request brief, individualized technical assistance and join our mailing list for updates, including news about the publication of new resources and training opportunities [on our website](#).

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## References

1. HIPAA permits the use of "non-public facing" remote communications that allow only the intended parties to participate in the communication. Non-public facing remote communication products would include, platforms such as Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, Whatsapp video chat, Zoom, or Skype. Such products also would include commonly used texting applications such as Signal, Jabber, Facebook Messenger, Google Hangouts, Whatsapp, or 5 iMessage.
2. The HHS Health Resources and Services Administration (HRSA) defines telehealth 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. See <https://www.hrsa.gov/rural-health/topics/telehealth/what-is-telehealth>.
3. If the vendor has only transient access to the PHI it transmits, is not creating, receiving, or maintaining PHI on behalf of the healthcare provider, and does not require access on a routine basis to the PHI it transmits in the call, the vendor is not acting as a business associate and no BAA is needed. If a vendor is creating or receiving PHI, such as by providing translation services for the healthcare provider and patient, or maintaining PHI, such as by storing information on an app, the vendor would be acting as a business associate and a BAA is needed. [Click here to find out more about business associate agreements.](#)