



HIPAA Compliance at UW-Madison during the COVID-19 Pandemic

A Message from the Co-chairs of the UW-Madison HIPAA Executive Board and the
UW-Madison HIPAA Privacy & Security Officers to
Campus Leaders of the UW-Madison Health Care Component

April 24, 2020

Dear Campus Leaders,

Understandably, some members of campus have expressed confusion or uncertainty about our HIPAA obligations during the COVID-19 pandemic. We write today to assure you that we are following HIPAA-related announcements from the federal government issued during the pandemic and continually evaluating how those announcements impact us at UW-Madison. Please know that we want to help you work and provide services remotely and as securely as possible through telecommuting and online collaboration tools.

The HIPAA Privacy and Security Rules protect the privacy of patients' and research subjects' individually-identifiable health information, also known as Protected Health Information (PHI), and require the use of reasonable safeguards to protect against unauthorized uses and disclosures of PHI. The rules are enforced by the United States Department of Health & Human Services' Office for Civil Rights (HHS and OCR, respectively).

During this pandemic, HHS and OCR have released several HIPAA-related announcements. Other federal agencies concurrently issued announcements about regulations they oversee – and are continuing to do so at a rapid pace. The timing and volume of announcements has led to many questions about HIPAA obligations. Please note the following with regard to HIPAA:

1. HIPAA regulations have not changed during this emergency.
2. HHS and OCR have so far issued seven HIPAA-related announcements during the pandemic. A full listing of the announcements and links to them on HHS's website may be found at www.compliance.wisc.edu/hipaa.
3. A "notification of enforcement discretion" issued March 17 indicates OCR will exercise enforcement discretion related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency. A tool identified by OCR in that notification is securely available at UW-Madison (Cisco Webex).
4. In addition to Cisco Webex, UW-Madison offers a variety of other tools to support secure telecommuting and remote conferencing with patients and research subjects. These tools are secure, reliable, simple to use, and already licensed. The list of tools currently approved for use with PHI at UW-Madison and UW Health is available at www.compliance.wisc.edu/hipaa.


5. If you have an urgent need to use a tool, software program, interface, or platform not yet reviewed and approved, please contact us at hipaa@wisc.edu. We will work with you to review your request as soon as possible.

When additional HIPAA-related notifications or guidance materials become available, we will continue to evaluate how they apply to UW-Madison, in collaboration with representatives on our HIPAA Executive Board and our HIPAA Privacy & Security Operations Committee. If you have questions about any HIPAA-related news, please do not hesitate to contact us for clarification or to discuss your concerns. This message and other HIPAA-related updates for UW-Madison are available at www.compliance.wisc.edu/hipaa.

Thank you for your leadership during this difficult time, and your support of our HIPAA Compliance Program.



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