

Health Law Diagnosis

Monitoring the Pulse of Health Care and Life Sciences

April 13, 2023

The Robinson+Cole Health Law Group is committed to examining and reporting on issues important to the health care and life sciences industries. For more updates on news and developments for the health care and life sciences industries, we invite you to [subscribe to our Health Law Diagnosis blog](#).

[OCR Reminder: Pandemic-Era HIPAA Flexibilities Will End May 11, 2023](#)

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On April 11, 2023 – one month in advance of the end of the COVID-19 public health emergency (PHE) on May 11, 2023 – the federal Office for Civil Rights (OCR) [confirmed](#) that various Notifications of Enforcement Discretion issued under HIPAA during the PHE will expire at the end of the day on May 11, 2023. OCR's notice applies to four Notifications of Enforcement Discretion of HIPAA related to the following circumstances:

1. COVID-19 Community-Based Testing Sites during the PHE (available [here](#));
2. Telehealth Remote Communications during the PHE (available [here](#));
3. Uses and Disclosures of PHI by Business Associates for Public Health and Health Oversight Activities (available [here](#)); and
4. Online or Web-Based Scheduling Applications for Scheduling COVID-19 Vaccination Appointments (available [here](#)).

In its announcement, OCR noted that it is supporting continued utilization of telehealth services by providing a 90-day transition period for providers to “come into compliance” with HIPAA requirements applicable to the provision of telehealth, starting May 12, 2023, and ending August 9, 2023. OCR also states in its notice that it “will provide additional guidance on telehealth remote communications to help covered health care providers come into compliance during this transition period.” Health care providers and organizations should therefore assess their current telehealth services and programs, and also be on the lookout for additional guidance to support continued delivery of telehealth services in a compliant manner once the PHE ends.

If you have any questions, please contact any member of Robinson+Cole's [Health Law Group](#).

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