

HHS Relaxes HIPAA Enforcement for Coronavirus-Related Information Sharing

- *The Office of Civil Rights will not enforce against or penalize business associates of health providers who share patient information to assist the government in combatting COVID-19.*
- *Sharing information with CDC or CMS for COVID-19 related purposes falls under the new enforcement discretion.*

The Department of Health and Human Services (HHS) announced earlier today ([press release; notification](#)) that **it will not penalize HIPAA-covered business associates for sharing patient information intended to assist the government combat COVID-19**. The Office of Civil Rights (OCR) will exercise enforcement discretion and not impose penalties for violations for certain provisions of the HIPAA Privacy rule against health care providers or their business associates for good faith uses and disclosures of protected health information (PHI) for public health and health oversight activities during the nationwide public health emergency. OCR Director Roger Severino noted that “the Center for Disease Control and Prevention (CDC), Center for Medicare & Medicaid Services (CMS), and state and local health departments need quick access to COVID-19 related health data to fight this pandemic.” He stressed that granting HIPAA business associates greater freedom to cooperate and exchange information with public health and oversight agencies will help “flatten the curve” and save lives.

The relaxation in enforcement is intended to support federal public health authorities and health oversight agencies, like the CDC and CMS, state and local health departments, and state emergency operations centers who need access to COVID-19 related data, including PHI. HHS clarified that the HIPAA Privacy Rule already permits covered entities to provide this data, and **today's announcement now permits business associates to also share this data** without risk of a HIPAA penalty. Business associates who shared HIPAA-protected information in good faith will be **required to inform the covered entity within ten days of the disclosure**. The enforcement discretion will not extend to other requirements or prohibitions under the Privacy Rule, nor to any obligations under the HIPAA Security and Breach Notification Rules applicable to business associates and covered entities.