

Report on Patient Privacy Volume 20, Number 6. June 11, 2020 Amid New Privacy Principles, Doctors Seek HIPAA Expansion to 'Restore Trust'

By Theresa Defino

Spurred by concerns over contact tracing and, apparently, telehealth resulting from the COVID-19 pandemic and fearful of elements of new interoperability rules doctors say may go too far, the American Medical Association (AMA) has released a multipart group of “privacy principles” it said are needed to ensure the “sacred trust at the heart of the physician-patient relationship” remains and is strengthened.^[1] AMA would give patients a private right of action, under some circumstances, and allow the government to go after individuals in a company for privacy violations—two changes from current-day HIPAA.

The principles would apply to organizations and providers that are not now subject to HIPAA and give a look into what AMA views as essential when it comes to privacy protections. App developers and others may want to review them to understand growing concerns.

AMA aims to actively engage members of the White House, Congress, federal agencies and industry stakeholders to adopt the principles and use them as the foundation for “discussions on the future direction of regulatory guardrails that are needed to restore public confidence in data privacy protections,” it said.

“Recent events have highlighted how critical it is to have clear rules of the road with respect to data use. There is unprecedented reliance on remote care technologies, like telehealth, to help people avoid leaving their homes during the COVID-19 pandemic. But both patients and clinicians are justified in questioning how platforms will secure and protect the information exchanged during the virtual visits,” AMA said in its announcement.

“Similarly, many private and public efforts are underway to collect, use, and disseminate public health surveillance data to help inform public health officials and policymakers about the spread of the novel coronavirus. These efforts are critically necessary but must address questions about how best to handle the data both during collection and once the pandemic has subsided.”

According to information AMA provided in response to questions from *RPP*, the principles document, issued May 11, has actually been under development since last spring—long before there was a pandemic or increasing use of telehealth.

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