

BACKGROUND

Telehealth is considered a key solution for accessing healthcare services in public health emergencies and beyond. The COVID-19 pandemic has triggered the actualization of telehealth affordance in the time of crisis for informed public health actions. In achieving the goal of effective service delivery through telehealth, compliance with data protection laws and regulations is an essential requirement.

OBJECTIVES

This research is a response to the calls for understanding the role of data privacy regulations in the telehealth context. As a path towards contributions to the data governance of telehealth and providing implications for data use regulations, this research concentrates on the Health Insurance Portability and Accountability Act (HIPAA) as a representative of such regulations. We further seek to advance our understanding of the discourses on the use of telehealth with a focus on privacy, and security in the context of the United States health services.

METHODS

To discover discourses on HIPAA and telehealth, we used the Factiva database. The search was conducted in May 2021, using this search string: ((telehealth OR telemedicine OR telecare OR telestroke OR teledermatology OR telemental OR telerehabilitation OR telehomecare OR teleophthalmology OR telegeriatric* OR telecardiology OR telesurgery) AND (HIPAA OR "Health Insurance Portability and Accountability Act" OR "Office for Civil Rights" OR OCR)). We found 91 records as the result of employing the search strategy. After removing duplicates and screening the news contents according to the selection criteria, 49 news articles were included for qualitative analysis. We used NVivo for facilitating the identification of concepts and themes. In qualitative analysis, we unpacked discourses on telehealth use and HIPAA based on the identified themes with illustrations of representative quotes from news articles. Figure 1 shows the media source selection process.

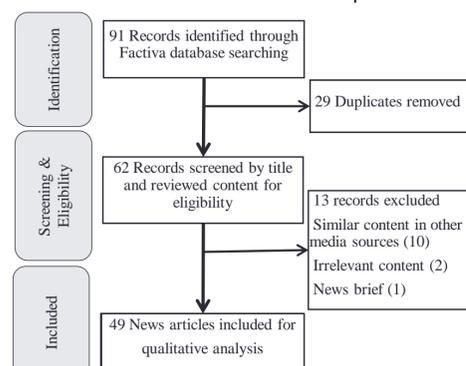


Figure 1. Media source selection process.

RESULTS

The qualitative analysis was performed using an inductive approach for concept development (Gioia et al. 2013). It led to the identification of nine first-order concepts and three second-order themes. These concepts and themes provide a holistic view on the use of telehealth as a digital health artifact. Figure 2 illustrates the data structure of discourses on Telehealth.

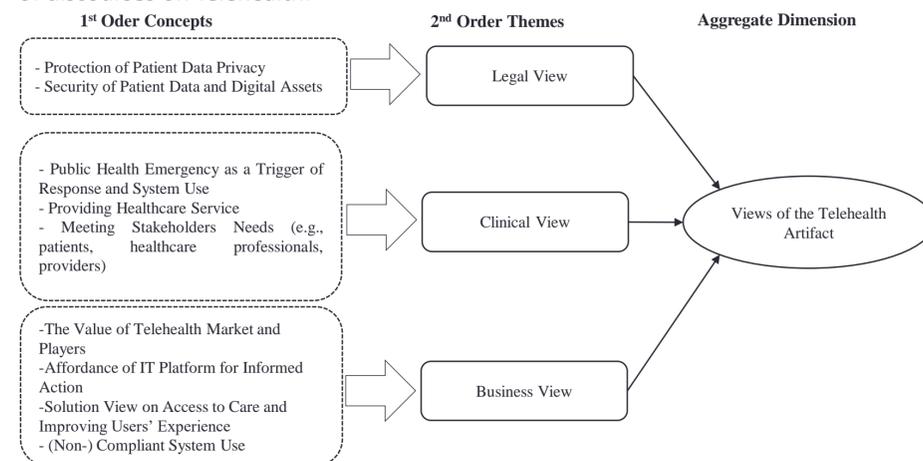


Figure 2. Data structure of discourses on telehealth and HIPAA.

The first-order concepts and supporting representative data are provided in Table 1.

Table 1. First-order concepts and illustrative quotations

1 st Order concepts	Illustrative quotes
Protection of Patient Data Privacy	"OCR still encourages covered health care providers that seek additional privacy protections for telehealth while using video communication products" (Castles, 2020).
Security of Patient Data and Digital Assets	"Vendors should be able to provide clear information on who is responsible for which areas of security related to the telemedicine platform" (Worth, 2020)
Public Health Emergency as a Trigger of Response and System Use	"Due to the COVID-19 pandemic and increased need for access to therapeutic care, [ABC] Brands accelerated our Telehealth" (Mental Health Weekly Digest, 2020).
Providing Healthcare Service	"Any provider can sign up at [...com] to use [ABC] Video Service, [...], to facilitate video visits with their existing patient panel" (Contify Life Science News, 2020).
Meeting Stakeholders Needs	"Our work with [ABC] Telehealth allows community urology practices to collaborate with patients" (Contify Life Science News, 2020).
The Value of Telehealth Market and Players	"The telemedicine industry is growing at an unprecedented pace as new opportunities emerge in the global healthcare industry" (PR Newswire, 2020).
Affordance of IT Platform for Informed Action	"There is little doubt that making it easier for health care professionals to use video calls for appointments has helped immensely in efforts to diagnose patients during this pandemic" (Heather Pfeffer, 2021).
Solution View on Access to Care and Improving Users' Experience	"Our HIPAA-compliant video feedback solution helps organizations gain deeper insights, [...], and ultimately improve the overall telehealth experience" (Dow Jones Institutional News, 2021).
-(Non-)Compliant System Use	"Even with HHS waivers for the use of noncompliant apps, a patient or state could file a lawsuit if a breach should occur while using one" (Worth, 2020).

CONCLUSIONS

This study has unpacked media discourses on telehealth use, data security, and privacy. Given the diverse views on telehealth use, we proposed a model concerning legal view, clinical view, and business view as second-order themes. Among these themes in the telehealth setting, health data privacy and security were directly associated with HIPAA. Other concepts, specified in Figure 2 provided a nominal view (i.e., HIPAA was used as background information in the discourse but the emphasis is elsewhere such as providing healthcare service). Our analyses also revealed that most of the texts on HIPAA and telehealth are produced during the COVID-19 pandemic, highlighting the impact of the momentum created by a public health emergency and consequent move towards 'good faith' in using telehealth. As healthcare providers around the world are following the path towards the post-pandemic, compliance with data protection regulations is essential. Non-compliant behavior can adversely impact the effective use of telehealth systems for providing health services. The themes and explanations that emerged from this qualitative analysis can aid telehealth providers in the effective protection of consumers' health data and improving care delivery.

Nevertheless, this study has boundary conditions that can limit the generalizability of the findings. This research relied on the study of single data privacy and security regulation in the context of the US telehealth service. The data protection regulations and states or countries in which healthcare providers and patients engaged in the use of telehealth constitute a context-specific case. It would be worth examining discourses on other regulations and privacy acts such as the EU's General Data Protection Regulation and the Australian Privacy Act. This might yield significant insights for telehealth practices and informing policymakers.

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