

## **Telecommunications Relay Service (TRS) operators can relay private medical info, FCC says**

The FCC responded to the concerns of state telecommunication relay service (TRS) facilities by clarifying yesterday that TRS calls between health care professionals and patients do not violate federal rules protecting the privacy of individual's medical records and other health information.

The Commission said that users and providers of TRS have asked how the privacy requirements under the Health Insurance and Portability and Accountability Act (HIPAA) apply to TRS calls that involve protected health information (PHI).

HIPAA generally requires doctors and other health care providers to obtain patient permission before discussing PHI with third parties. In the case of business associates who need access to the information to provide services, an agreement to abide by HIPAA privacy restrictions can be used instead. The FCC said that some state TRS facilities have told the agency that some health care professionals are unwilling to use TRS to contact their patients unless all the TRS operators, known as communications assistants, sign business associate agreements.

TRS communications assistants are by necessity privy to any information discussed as they facilitate calls between parties using text telephones (TTYs) and other assistive communications technology and parties using standard phones. The FCC emphasized that PHI can be discussed using all forms of TRS, including TTY relay, Internet protocol relay, video relay services, and speech-to-speech relay, without violating HIPAA.