



Transmitting ePHI Through Apps **What Covered Entities Need to Know**

On April 18, the Department of Health and Human Services Office for Civil Rights ([OCR](#)) answered several frequently asked questions about the applicability of HIPAA to software apps used by patients to receive health care information from their providers.

Notably, OCR [said](#) that if a patient requests that ePHI be disclosed to an app, a covered entity is not liable for uses or disclosures of ePHI by that app if it is not a business associate of that covered entity. A business associate relationship does not exist if the app is not provided by or on behalf of the covered entity. If a covered entity uses an app to transmit ePHI in connection with services provided to an individual, then the app developer may constitute a business associate under HIPAA, and the covered entity could be liable for an impermissible disclosure of ePHI.

Further, a covered entity is [not](#) liable for the risk that ePHI could be accessed by an unauthorized person during transmission to a patient-chosen app. OCR recommended that the covered entity warn a patient about this risk, but also noted that the covered entity may not [refuse](#) to disclose ePHI to any patient-chosen app.

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