



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

March 19, 2020

Re: Waiver of SHIN-NY Written Consent During COVID-19 Outbreak for Telehealth

Dear SHIN-NY QEs and QE Participants:

The world is currently experiencing a COVID-19 pandemic. As part of the response, a public health emergency has been declared. This declaration includes the expansion of availability of telehealth services for patients. Expanded telehealth may relieve the burden placed on providers due to the increased demand for healthcare while reducing the risk of disease transmission.

To help facilitate and support this approach, NYS DOH is allowing informed, verbal, documented consent for telehealth visits in lieu of the current SHIN-NY written consent requirements per 10 NYCRR Part 300. This waiver is consistent with the Governor's State of Emergency declaration and public health authority in situations of public health emergencies. The following procedures shall be adhered to by QEs and their Participants when providing telehealth services without written consent.

1. Verbal consent shall be given by a patient to a provider prior to, or during the telehealth visit, but before accessing patient information via the SHIN-NY.
2. Patient verbal consent shall be noted by the provider in the patient's medical record that is provided to the QE.
3. QEs shall record any notation of verbal consent received as part of a telehealth visit between a patient and a provider as a valid consent.
4. This exception to written consent shall be temporary and shall end upon declaration by the Governor that the State of Emergency has been lifted. Once this happens, patient consent must be obtained again consistent with existing SHIN-NY regulations.

Providers and QEs may continue to use electronic signatures for written consent which is allowable and guidance is provided by [State Technology Law Article 3](#) (Electronic Signatures and Records Act).

The complete SHIN-NY regulations can be found here: https://www.health.ny.gov/technology/regulations/shin-ny/docs/privacy_and_security_policies.pdf and questions concerning this or other policies can be sent to shin-ny@health.ny.gov.