

Title: Text Messaging -- DRAFT	Policy Number: POL 210.002
Reference(s): RCW 42.56 – Public Records Act Washington State, Office of the Secretary of State, Local Government Common Records Retention Schedule	Effective Date: Supersedes: N/A
Approved By: Stephanie Wright, Chair, Board of Health	Revised Date: N/A

PURPOSE:

To ensure the protection of individually identifiable health information and compliance with RCW 42.56 - Public Records Act by Snohomish Health District (District) workforce when text messaging.

PHILOSOPHY:

Text messages relating to District business, regardless of being carried out on a personal or agency issued device, are considered a public record and subject to compliance with the Public Records Act. As text messaging is an effective and commonplace method of communicating, the District seeks to balance its use, minimize associated security risks, and comply with requirements for management and retention.

DEFINITIONS:

Health Insurance Portability and Accountability Act of 1996 (HIPAA): A federal law that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge.

Individually Identifiable Health Information: Information that identifies an individual or for which there is a reasonable basis to believe it can be used to identify the individual relating to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual.

Public Record: Any document or recorded information, regardless of physical form or characteristics, that has been prepared, owned, used, or retained by the District in connection with the transaction of agency business.

Protected Health Information (PHI): Individually identifiable health information in any form whether oral, written, or electronic.

Text Message: Short electronic messages sent between two or more users of mobile devices or computer applications. Content includes but is not limited to; alphabetic and numeric characters, audio, graphics, and files.

Transitory: Records and information created or received to pass along information of very temporary, short-term value. Transitory refers to the content of the information not the format of how the information is shared. Examples of transitory records/information includes, but are not limited to, informal notices of meetings, directions, personal messages and announcements, notification regarding running late for a meeting, appointment times, or contains messages containing information that is included in another District record.

POLICY:

A. ADMINISTRATIVE

1. Any text messages that exist on a personal or District issued device that meet the definition of a public record may be subject to disclosure pursuant to a public records request or during the course of litigation.
2. Text messages may only be used by District Staff for transitory purposes that do not need to be retained by the District in accordance with the Washington State, Office of the Secretary of State, Local Government Common Records Retention Schedule.
3. Text messaging shall not be used to conduct official District business or to document business decisions. Examples include, but are not limited to, sending policy, contracts, formal correspondence, or personnel-related data.
4. Texting of PHI is prohibited except in case of emergencies, regardless of intended recipient including between District staff. In the event of an emergency, approval for texting of PHI must be provided by the Division Director and such messages must be retained in accordance with the Records Retention Schedule.
5. Texting should not be used to conduct any interview or counseling session.
6. Approved Devices:
 - a. In alignment with POL 120.001 – Employee Handbook, personal phones and computers are not to be used for District business, including texting.
 - b. Text messages must be sent from password protected District cell phones, other District owned mobile device, or approved computer application.
7. District Staff should delete transitory, business-related text messages as soon as possible.
8. If a text message needs to be retained pursuant to a retention schedule, employees must transfer the message's content to the District's network.

B. HEALTH SERVICES USE

1. Consent: Clients will be provided an opportunity to opt-in and consent to receive and communicate via text message from District staff/programs.
 - a. Consent must notify the client that:
 - i. protected health information should not be sent to District staff,
 - ii. the District will respond to received text messages within 24-hrs,
 - iii. the District does not cover client costs received from a phone carrier for text messages
 - b. Consent shall be obtained in one of the following manners. Attempts to garner consent should be made in the following ranked order, working from the most preferred (written) to least preferred manner (home visit).
 - i. Written: ~~Utilize FOR xxx.xxx.xxx-xx~~
 - ii. Verbal
 - iii. Text
 - iv. Private messaging via social media platform
 - v. Visit the client's home
 - c. Consent must be documented in the client's medical record.
 - i. Signed opt-in forms will be scanned and saved into the client's medical record or filed in a paper chart and held in accordance with HIPAA retention guidelines.
 - ii. If consent has not been documented, assume that permission has not been given.
2. If needing to maintain client contact information in the District-owned devices, store clients first name and last name initial in addition to appropriate phone number. ~~in the devices contact list~~.
3. If the individual responds with a text message, you may respond with another text message asking the individual to call you. Refer to Section C for allowable message content.
4. In the event a text message containing PHI is received by someone other than the intended person/client, staff will notify the Privacy and Public Records Officer with the following information:
 - a. Phone number the information was sent to

- b. Intended client name
- c. Message sent to the phone number
- d. Response from phone number

C. NATURE OF ALLOWABLE MESSAGE CONTENT

1. Limit or exclude, where possible, client identifiers when sending a text message. Use only first or last name in a text message.
2. Examples of permissible content when transmission of PHI is a concern
 - a. “Jane, this is Mary from Snohomish Health District, I am reminding you of our meeting scheduled for this afternoon. Please call me if you need to reschedule. Call me at XXX-XXXX.”
 - b. “John, this is Mary from Snohomish Health District, I will be out of the office tomorrow so I need to reschedule our appointment. Do you have any available time on Tuesday?”
3. Any messages that include a phone number or address require additional supervisor review because phone numbers or addresses could reveal information about a health condition or type of service. For example, the messages below may be acceptable depending on the specific phone number included in the message and what could be inferred if the phone call reached voicemail
 - a. “Hi John, this is Jane Doe at the Public Health clinic. Your appointment is tomorrow at 3 p.m. Call me at XXX-XXX-XXXX if you need to reschedule.”
 - b. “John, I am with the Snohomish Health District and I have information for you regarding an urgent health matter. Please call me at XXX-XXX-XXXX.”
 - c. “Hi John, it’s Jane from the Snohomish Health District. Don’t forget to take you medicine today! Call me at XXX-XXX-XXXX if you have any questions.”

Allowable Information in a Text Message	Prohibited Information in a Text Message
Your name	Identifiable health information
Your landline or cell phone number	Information that identifies you as a health care provider or specialist
Statement that identifies that you are from the Snohomish Health District	Client referral information
Request for the recipient to call you	