Title	Document Code No.
SMS Text Messaging Policy	PHL 1-18 (DP)

Department/Issuing Agency	Effective Date.
Public Health – Seattle & King County	August 23, 2013
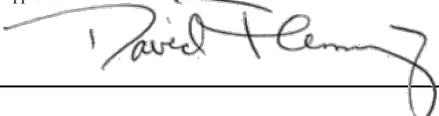
Approved	DPH Director

1.0 <u>SUBJECT TITLE</u>: SMS Text Messaging Policy

    1.1   EFFECTIVE DATE: August 23, 2013

    1.2   TYPE OF ACTION: Provides guidance on text messaging and includes an option to request an exception to the Encryption Policy

    1.3   KEY WORDS: SMS, Short Message Service, Texting, Text Messaging, Protected Health Information (PHI)

2.0 <u>PURPOSE</u>:

The purpose of this policy is to establish guidance on short message service (SMS) text messaging by members of the Public Health – Seattle & King County (PHSKC) workforce, and addresses security risks and procedural issues presented by SMS text messaging.

3.0 <u>ORGANIZATIONS AFFECTED</u>:

Applicable to all divisions and programs within Public Health – Seattle & King County

4.0 <u>REFERENCES</u>:

    4.1   45 CFR 160 and 164 HIPAA Privacy and Security
    4.2   DPH INF 1-7 Encryption and Decryption Policy

5.0 <u>DEFINITIONS</u>:

    5.1   "SMS" (Short Message Service or Text Messaging): The sending of 160 character messages over a cell phone or through a web-based interface to one or more cellphone recipients.

    5.2   "Short codes" (numbers): Five or six digit special telephone numbers used for sending SMS messages.

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

- Relates 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.

- Identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual.

5.4   "Public": Individuals who can opt in to receive general educational health promotion and prevention messages.

5.5   "Client": A member of the public who presents for health care (mental or physical) including minors and adults receiving health care, social services, dental services and other health care services from Public Health care sites and/or programs. Clients include deceased persons who have received care.

5.6   "SMS vendor": A company that provides a web-based interface to store contact lists and manage the flow of messages from the sender to the cellular phone carriers.

6.0   <u>POLICIES: GENERAL REQUIREMENTS FOR ALL TYPES OF TEXT MESSAGES:</u>

6.1 Consult and inform Public Health – Seattle & King County's Communications Team prior to launching a texting program. Texting for public health purposes is a relatively new form of communication. The Communications Team will provide logistical assistance and messaging guidance and support.

6.2 Administrative Safeguards:

6.2.1 Consent:
- Do not text clients or the public without their consent. Consent consists of signing a consent form, opting in using a website or short code.
- Written opt in forms should be stored in accordance with medical record and record retention requirements.
- Include the following information for consent:
  1) Statement of potential costs of text messaging;
  2) Request individuals provide updated phone number to Public Health program staff in case a cell phone number changes where appropriate; and
  3) Information on how to opt-out of receiving text messages. If using a short code, clients and the public must be told they can opt-out of a texting program

at any time by texting "stop" or "unsubscribe" to the five or six digit short code. Opt-out information should be sent to clients and the public periodically to remind them how to unsubscribe. See Appendix 10.1 for example of opt-in form.

- Regularly confirm that client contact information is accurate and up to date.

6.3 Physical Safeguards:

6.3.1 Security:
- Text messages must be sent from a county owned cell phone (including smart phones), other mobile device, or approved computer application.
- If using a mobile device to send text messages, password protect the phone.
- Assure that the cell phone number of the client is recorded correctly.
- Assure mobile device used to send text messages is secure at all times, including after work and at home.

6.3.2 Storing and destroying messages:
- Identify a clear plan for removing text messages from county phones or web-based interface systems.
- Delete text messages after communication is completed and necessary information is recorded.
- All text messages sent or received will be documented and stored in accordance with medical record and record retention requirements.

6.4 Technical Safeguards

6.4.1 Vendor:
- When using a third party vendor to send text messages, consult with KCIT PH first to assure an appropriate system is selected and security controls are thoroughly evaluated.

6.5 Message content:

6.5.1   SMS text messages must not contain protected health information (PHI) unless an exception to the Encryption and Decryption Policy has been fully approved. See Appendix 10.2 SMS Text Messaging Policy Exception Request Form to request an exception.

6.5.2   Do not store first and last names in the address book of the cell phone used for sending text messages. Instead, store first name plus last initial.

6.5.3   Limit or exclude, where possible, client identifiers when sending a text message. Never use first and last name in a text message.

6.5.4   Examples of permissible content:
- Sample text messages permissible without requiring an SMS Text Messaging Exception:
    - "John, Remember your goal to eat breakfast every day? Grab an apple on your way out this morning. Check www.kingcounty.gov/health for more information."
    - "Keep our community protected against the flu. Get your child and family members vaccinated this year. For more info. see www.kingcounty.gov/health

- Examples of content that may be sent to clients so long as the content <u>does not</u> denote a specific health service or condition:
    - Sender name
    - Sender county phone number
    - Statement that identifies the sender is from Public Health
    - Request for the client to call sender
    - Appointment address
    - Clinic name if facility name <u>does not</u> denote a specific health service or condition. Examples:
        - "Public Health" or "Public Health Center"
        - "TB Clinic" or "STD Clinic" is not acceptable to include in a message without prior approval (using the Text Messaging Policy Exception Request Form) because the name of the clinic indicates the type of health condition a client might have.
    - Client's appointment time
    - Client's first name or client initials
    - Individualized health promotion information (as long as a specific health condition is not included or cannot be inferred)

- Any messages that include a phone number or address require additional 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.

    - "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."
    - "John, I am with the Harborview Clinic and I have information for you regarding an urgent health matter. Please call me at XXX-XXX-XXXX.
    - "Hi John, it's Jane Doe from the Harborview clinic. Don't forget to take your medicine today! Call me at XXX-XXX-XXXX if you have any questions."

6.5.5   Handling client generated messages that include PHI:

- If a client responds to a text message with information that contains PHI, such as a description of their medical condition, do not respond to the original text. Instead, send a new text message that requests the patient call you.

  Examples:

  "I can tell you more when you call. Please call me at XXX-XXXX."

  "The info I have for you is confidential. I can tell you more if you call. Please call me at XXX-XXXX."

- If a client does not call you, use your best judgment in responding. For example, if a client texts you with a description of a condition that requires follow up with a health care provider, do not include PHI in your response. If circumstances necessitate inclusion of PHI, follow up with Compliance after the fact.

6.6 Text messaging best practices:

6.6.1   Tone: Be aware of the tone of your text. It is difficult to discern tone in text messages. Be professional at all times. Do not use abbreviations; for example, "411" for "information" or "CM" for "call me."

6.6.2   Cost: Be aware that some people do not have an unlimited texting plan with their cell phone carriers and may be charged for messages. If a message is over 160 characters, the message will be split into two messages. Text messages are for short, concise communication so be judicious in the length of the text message and the number of text messages you send.

6.6.3   Text messaging is a rapid means of communication. The public expects timely responses. Set up clear expectations with clients and the public about two-way communication including whether you will return messages, and how rapidly.

7.0   TEXTING PROTECTED HEALTH INFORMATION – An exception to the Encryption and Decryption Policy

Sending protected health information (PHI) via text message requires an exception to the Encryption and Decryption Policy. See Appendix 10.2 SMS Text Messaging Policy Exception Request Form to request an exception.

8.0   PROCEDURES:

Action By: Business Standards and Accountability

Action: 8.1 Review exception requests submitted using SMS Text Messaging Policy
Exception request form to determine risks of granting exception.

8.2 Forward SMS Text Messaging Policy Exception request forms to appropriate
PHSKC management for approval.

8.3 Document text messaging exceptions to the Encryption and Decryption Policy by
Public Health programs.

Action By: Communications Team

Action: 8.4 Provide guidance to program staff using text messaging for public health and
clinical purposes.

8.5 Document uses of text messaging by Public Health – Seattle & King County
programs.

8.6 Collaborate with programs to vet program needs for text messaging and consult if
necessary with BSA to determine whether an SMS text messaging exception form
should be submitted.

8.7 Update texting policy as technology and evidence surrounding SMS text
messaging for clinical and public health purposes becomes available.

Action By: Public Health Workforce

Action: 8.8 Refer to policy above to comply with SMS text messaging guidance.

8.9 Request an exception, if proposing to text protected health information, by
completing SMS Text Messaging Policy Exception request form and submitting.

Action By: Department Director or Designee

8.10 Provide approvals or disapprovals of SMS Text Messaging Policy Exception
Requests.

9.0   RESPONSIBILITIES:

9.1 Business Standards and Accountability is responsible for documenting SMS text
messaging exceptions throughout Public Health – Seattle & King County.

9.2 Supervisors and managers are responsible for ensuring public health workforce follows text messaging best practices and policies.

9.3 The Communications Team is responsible for providing guidance to programs on text messaging best practices.

9.4 The Department Director or Designee is responsible for approval of SMS Text Messaging Policy Exceptions.

10.0   APPENDICES:

10.1 Text Message Opt-In form

10.2 SMS Text Messaging Policy Exception Request Form (Includes Appendix A)