

HIPAA AND CONFIDENTIALITY RULES

May we use email?

NO, email is not considered secure and may not be used for confidential information.

Is email OK if the document containing confidential information is password protected?

NO, email is not considered secure and may not be used for confidential information, even with password protection.

Is email OK if the document containing confidential information uses unique client identifiers but not names?

NO, email is not considered secure and may not be used for confidential information, even with unique client identifiers.

Is it OK to use information that has been sent to us using email from outside providers if it contains confidential information?

Yes, this information may be used.

Is it OK to ask that outside providers to send information to us using email if it contains confidential information?

No.

Does HIPAA address the use of cell phones and PHI?

HIPAA does not specifically address cell phone use. However, HIPAA addresses avoidance of incidental disclosures whenever possible. In practical terms, when using a cell phone to discuss patient information, do so in an area where unauthorized individuals are not likely to overhear your conversations. Communicating information via cell phone increases the risk of exposure because transmission is wireless, unlike with landlines. You may choose to document this as an acceptable risk, and although it would not necessarily constitute a HIPAA violation, it nonetheless represents a risk of which you should be aware. The use of cell phones to transmit text messages or e-mail messages about patients is generally an unwise practice (HIPAA Weekly Advisor, 2008).

HIPAA AND CONFIDENTIALITY RULES (continued)

So how can we quickly send information between organizations if we can't use email or cell phones?

Email and cell phones can be used to advise the recipient that printed confidential information is coming by fax. Initials can be used when communicating using email and cell phones, *so long as other information is not included in the communication that would identify the client*. This includes the names of parents, addresses, insurance/Medicare/Medicaid numbers, diagnoses, other personality descriptors, etc.

If we can't use email, why are we using a registry?

The registry is web-based, not email based. The programs have built in security systems (encryption) that meet the standards of HIPAA.

May case managers release information from a client's file to other parties in the course of a referral to a *new* provider?

Yes, a case manager can release information IF:

1. The client or the client's guardian has signed an authorization to release the information; and
2. The author of the information has not forbidden a re-release.

Outreach services, *up to the point that actual mental health services are being delivered*, are not covered under HIPAA. When staff is sharing confidential health information in the course of arranging for services, signatures on releases are required.