

E-MAIL AND PROTECTED HEALTH INFORMATION POLICY

RESPONSIBILITY: Security Official, all users of Behavioral Health and Health Facilities (BHHF) e-mail systems and/or Internet e-mail

BACKGROUND:

E-mail is a powerful communication tool. However, the very features that make it useful create security concerns when an e-mail message contains confidential information, such as protected health information (PHI). For example:

- E-mail can be intercepted by someone who is not an intended recipient.
- The identity of the sender can be changed.
- The content of the message can be changed.
- The message can be forwarded to someone who does not have a right to receive the information it contains.
- E-mail can easily be broadcast to a large number of unauthorized recipients.
- E-mail can transport computer viruses.
- E-mail is not necessarily indexed by a patient identifier, making it difficult to account for any e-mail disclosure of protected health information for a specific patient.

POLICY:

Protected health information may not be transmitted by e-mail unless the sender is using a secure e-mail system.

A secure e-mail system has the following features:

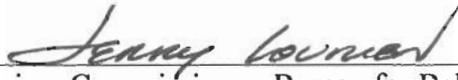
1. The message cannot be intercepted. If the message is sent over an open network (e.g. the Internet) it must be encrypted, using an encryption standard approved by the Security Official.
2. The recipient of the message will know that the content has not been altered during transmission.
3. The recipient of the message will know the true identity of the sender.
4. There are safeguards to lessen the possibility of sending the message to someone who is not authorized to receive it.
5. There are safeguards to reduce the likelihood that the message will be forwarded to someone who is not an intended recipient.
6. The e-mail will be linked to the patient's record in some way, either as a paper copy or an electronic file.
7. The system has been approved by the Security Official as secure, in accordance with this policy.

E-mail will not be used to transmit a message to more than one patient at one time. This is to avoid the potential for inadvertent disclosure of e-mail addresses, linking e-mail addresses with clinical information in the message, or violating prohibitions against using patient-specific information for certain types of marketing.

“Instant Message” programs are inherently not secure and may not be used to transmit protected health information.

Effective Date: 4/14/03

Dates Revised:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities