



What Happens When Doctors Are Texting Confidential Information?

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Sending a text message is immediate, easy, time-saving and direct. However, the Joint Commission has prohibited the practice of text messaging by licensed healthcare practitioners for the past five years, in the interest of security risks. Because without appropriate safeguards, texting can lead to violations of the Health Insurance Portability and Accountability Act (HIPAA).

Physicians have incorporated smart phone technology to connect with colleagues and to access healthcare information. According to the HIPAA Weekly News Report in the HIPAA Journal, the restriction has now been rescinded with immediate effect, but, there are stipulations.

The same convenience that makes texting appealing, can produce privacy and security violations, if messages holding protected health information (PHI) are not properly secured. Standard text messaging is still banned because encryption is not used, there are no authentication checks confirming that only the intended recipient will see the communications, and the original messages cannot be retained to authenticate data entered in the medical records.

When the ban was applied, there were few possibilities existing to permit the confidential data to be communicated securely. Now there are many secure messaging platforms presenting all required limits to safeguard that PHI is not accidentally released to unauthorized entities and remains secure always.

Let a legal nurse consultant help your company assure that the text messaging policies and procedures in your facility are Joint Commission and HIPAA compliant. Call Krug Consulting 1 (844) LNC-KRUG for help finding a legal nurse consultant in your area.

Krug Consulting was founded by Sandra Krug, RRT, CRNA Legal Nurse Consultant.

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A texting platform will merge staff efforts and make the healthcare team collaboration quicker, easier, and more meaningful. However, you need to keep in mind The Joint Commission requirements for text messaging between licensed healthcare professionals.

Text messaging is acceptable, but only when a secure text messaging platform is used. The secure text messaging platform must meet these criteria:

- The text messaging platform must integrate a secure sign-on process
- All text messages require protection by end to end encryption
- The platform must integrate read and delivery receipts
- Text messages must include a date and time stamp
- The platform must incorporate a contact list of individuals approved to receive and record orders
- The platform must allow personalized message retention time frames to be set

The Joint Commission is “assessing the need to further delineate the expectations for secure text messaging platforms and policies and procedures for texted orders within the accreditation standards.” Now, licensed healthcare providers are advised to ensure:

- An attestation is obtained that authenticates the capabilities of the secure messaging platform
- Policies are established that stipulate when text orders are appropriate and inappropriate
- The use of text messaging is scrutinized to determine how frequently the service is used for orders
- Compliance with policies and procedures covering the use of text messages is evaluated
- A comprehensive risk assessment is completed
- A risk management strategy is developed
- Staff receive training on policies and procedures covering the use of secure text messaging platforms.

The inherent price of e-PHI breaches in light of improved guidelines and implementation, make it a priority for physicians to evaluate their privacy and security policies regarding mobile devices. A legal nurse consultant can assist with this task.

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