



2.7.4 TEXTING

POLICY:

Many medical practices utilize text services for scheduling appointments, sending appointment reminders, sending client satisfaction surveys, offering promotions or health tips, sending reminders for preventative care and more.

The HIPAA/HITECH privacy and security rules cover any communications with ePHI, including email, social media, and text messaging. Violations can earn you fines of up to \$50,000.

Health text messages without PHI, however, are permitted under HIPAA texting guidelines, even if they mention a patient's name.

Under the HIPAA Security Rule, physicians and other entities covered by HIPAA must conduct a risk assessment to determine how the privacy and security of protected health information (PHI) could be compromised when communicated electronically.

PROCEDURE:

Subrecipients should develop clear guidelines for texting to eliminate confusion and potential liability when it comes to messaging clients.

Texting Policy should address:

- Privacy issues: No PHI may be shared via text. (full name, date of birth and Social Security number). Never share medical billing details, patient identifiers, or any financial information via SMS. Prohibiting PHI information sharing via text can avoid HIPAA concerns.
- Establish a clear understanding of time frames for communications. Let clients know in advance reasonable time frames for responses.
- Maintain a cordial yet businesslike tone in your exchanges.
- Proof your texts carefully before sending to ensure accuracy.
- Set texting limits. If clients text you questions requiring detailed explanations advise them to call your office to schedule an in-person appointment or phone meeting.
- Keep text records. When possible, retain and archive all text communications with clients or document communication with clients.
- SMS text messaging may be used. (The sending of 160-character messages over a cell phone or through a web-based interface to one or more cellphone recipients)

Whether through a paper or electronic form, your clients must put it in writing that they consent to text messaging from your health practice. The ND FPP provides a space on the Income worksheet for clients to consent

<https://www.hhs.nd.gov/sites/www/files/documents/DOH%20Legacy/Family%20Planning/Grantees/Fo rms/Income-Worksheet.pdf>

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Most messaging apps on mobile devices have no log-in or log-off requirements – so they do not comply with the technical safeguards for HIPAA texting – and, if a mobile device is lost or stolen, there is a significant risk that messages containing PHI could be released into the public domain.

- Communication via personal phone using any social media app is discouraged due to privacy issues.
- If a client generates a message to a staff member's personal social media account that includes PHI: Do not respond to the original text; instead, send a new message that asks the client to contact the agency.

Healthcare-specific texting services meet HIPAA's minimum requirements, including:

- A high level of physical security, controls, and ongoing risk assessments for the service's onsite or offsite data center.
- Encryption of PHI in both 'in transit' and 'at rest' states of communication.
- Authentication of intended recipient's receipt.
- Controls enabling all messaging activity to be recorded and/or audited.

RESOURCES:

[RHNTC Search | Reproductive Health National Training Center \(rhntc.org\)](https://rhntc.org)

[A Healthcare Practice Guide to Texting Patients \(ncgmedical.com\)](https://ncgmedical.com)

[Is Texting in Violation of HIPAA? \(hipaajournal.com\)](https://hipaajournal.com)

[A Brief Guide to HIPAA-Compliant Texting \(softwareadvice.com\)](https://softwareadvice.com)

[When patients want to text: HIPAA, OMG! See you L8R, privacy? | American Medical Association \(ama-assn.org\)](https://ama-assn.org)

[What are the HIPAA Rules Regarding Text Messaging? - HIPAA Guide](#)