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# E-Book

# Text Messaging & HIPAA Compliance

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For Life-Affirming  
Pregnancy Medical Clinics

★★★★★★★★★★

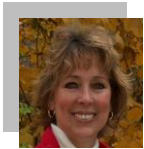
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January 2012

# About the Authors

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Beth Chase, CEO of Chase Advancement Inc, and Lorraine Mazurek, President of Your Solutions Now LLC produced this E-book for life-affirming Pregnancy Medical Clinics. Beth specializes in organizational development and has over 35 years experience working with pregnancy help organizations. Lorraine has over 27 years experience in upper level management running medical facilities, and is a nationally recognized HIPAA trainer and assists medical clinics (including pregnancy medical clinics) in becoming accredited with the Accreditation Association of Ambulatory Health Care.

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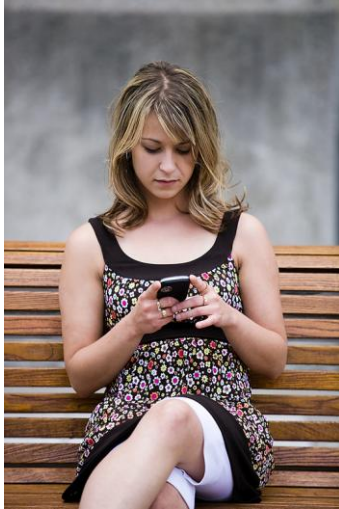
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## Introduction

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Text messaging is an effective and efficient way to remind your clients/patients of their appointments and communicate information. However, the Pregnancy Medical Clinic (PMC) that is committed to being compliant in HIPAA privacy regulations must use a text-messaging program that encrypts your messages and have policies and procedures regarding their text messaging practices.

The purpose of this E-book is to provide information about text messaging, sample guidelines, policies/procedures and forms that will help your PMC to meet the HIPAA standards for texting.



# Text Messaging & Pregnancy Medical Clinics (PMC)

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## What is Text Messaging?

Text messaging is a *short message service* more commonly known as SMS. The service allows for short text messages to be sent from one cell phone to another cell phone or from the Web to another cell phone.

SMS messaging is used pervasively around the globe. According to the Nielsen Company, the average Gen Y sends over 3,339 text messages a month.<sup>1</sup>

Text messaging has its limitations. Including spaces, text messages traditionally cannot exceed 160 characters. While the bulk of a cell phone bill typically is its voice minutes or data usage, text messages are either included in the voice plan or are added as an extra cost.

## Five Texting Risk Management Concerns for Pregnancy Medical Clinics

1. No Cell Phone to Cell Phone Texting

For risk management purposes, Pregnancy Medical Clinics should ONLY use Web based communications when texting their patients/clients as cell phone to cell phone texting is not as secure as using the computer.

2. Avoid “Text Speak”

Text messaging in this context is a professional communication; hence “text speak” should be avoided.

3. Must include an Opt Out Option

Organizations must include an opt out option on text messages.



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<sup>1</sup> <http://mashable.com/2010/10/14/nielsen-texting-stats/>



#### 4. Texts Must Be Free to End Users

Pregnancy Medical Clinics must send text messages “free to end users” so patients/clients without text service or limited text service on their cell phones avoid unwanted charges.

#### 5. Risk of Urgent Care

There is risk that patients may respond to the text and seek other information (for example, clinical advice). Careful consideration should be given to this potential problem, particularly given that there is a possibility that a patient may seek urgent advice outside of the organization’s regular business hours.

### What Information Should Be Provided?

Inform patient/clients of the organization’s text messaging service and the limitations. You can accomplish this in the consent form, the organization’s website and/or a brochure given to the patient/client.

This information needs to be updated periodically to reflect changes in technology, federal, state and local rules and regulations and changes in the organization’s services and policies.



### What Information Is *NOT* Appropriate For Pregnancy Medical Clinics To Send By Text Message?

Be careful about the information sent in text messages; in general, terms, text messaging lends itself to sending out generic reminders.

Do *NOT* text clinical information about the patient/clients and patients/clients need to be aware of this in the materials provided to them as discussed above.

*Pregnancy Medical Clinics should not rely on text messaging alone in issuing reminders or follow up; it should be part of a wider strategy.*

## Does Text Messaging Need To Become Part Of The Medical Record?

YES, the text message is part of the patient's medical record, hence, it is important that the consent for the text message is recorded in full, as well as the date and time that it was sent and the content of the message. Any response received should also be recorded in the patient's medical record in the same way.

## Do Text Messages Need To Be Archived?

YES, all text messages must be saved and archived. All text messages that are archived must be maintained for up to seven (7) years.



## How is Consent Taken?

The patient's consent or refusal must be clearly recorded in the patient's medical record.

**Do not assume** that just because you hold the patient's mobile telephone number in their medical record, they have provided consent for text messages to be sent. Only send text messages to those patients where consent has been given for this form of communication and it has been recorded in the patient's medical record.

During an appointment, the patient should be asked whether they would be interested in receiving communication via text messaging. The patient's consent or refusal should be documented on the Text Messaging Consent/Declination Form and placed in their medical record.



It is important to state on the consent what type of text messages they can expect to receive.

It is also important to inform the patient that if they change mobile phone numbers or give their phone to a family member or friend, that information be communicated to the organization to ensure privacy and security.

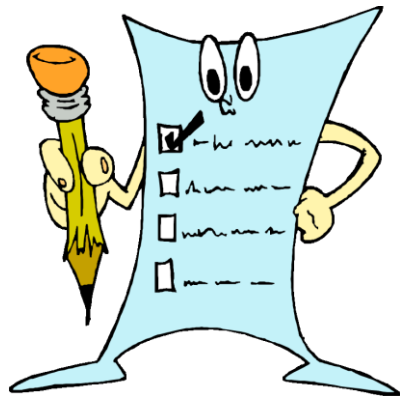
# Characteristics of Good Policies & Procedures

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**Good Policies** - Are simple, consistent and easy to use. They are written in clear, concise, simple language. Policies address the rules rather than how to implement the rule. If you use an acronym, spell it out the first time you use it. The board of directors should approve all policies but do not approve procedures.

**Good Procedures** – Describe the step-by-steps instructions, guidelines, and actions tied to policies in such a simple way that a new employee or volunteer can easily understand them. Unnecessarily restrictive procedures may limit usefulness, therefore, offer options if feasible. The board of directors does not approve procedures.



## Text Messaging Policies for PMCs Should Include

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- Allowing the use of text messaging by the PMC
- Defining what texting would and would not be used for
- Only using Web based systems that assure encrypting of text messages will be used (not cell phone to cell phone)
- Not allowing “text speak” messaging
- All text messages will be free of charge to end users or receivers and include an opt out option on all messages.
- Patients/clients will sign a text consent/decline form prior to PMC sending text messages. Form will comply with HIPAA standards.
- Allowing first time or non-patient/client callers to be sent appointment reminders and requiring that a phone log is used to track such actions
- How text messages will be kept and archived

To order and download the texting forms and policies and procedures go to:

<http://yoursolutionsnowllc.com/pregnancy-medical-centers.php>