


**COMMUNITY MENTAL HEALTH OF OTTAWA COUNTY
MANAGEMENT OF INFORMATION**

CHAPTER: 10	SECTION: 9	SUBJECT: MANAGEMENT OF INFORMATION
TITLE: E-MAIL		
EFFECTIVE DATE: 7-6-2004	REVIEWED/REVISED DATE: 12-7-04, 6-6-06, 12-12-06, 10-2-07, 12-16-11, 2-11-13, 3-11-14, 3-10-15, 4/6/17	
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

**** In an emergency do NOT rely on electronic communication for assistance, contact 911 immediately. ****

I. PURPOSE:

To ensure that e-mail communication among CMHOC staff and between CMHOC staff, consumers, and other partners, is efficient and secure.

II. APPLICATION:

To all Community Mental Health of Ottawa County (CMHOC) staff and any other user authorized by CMHOC. This policy applies to the informational uses of email and does not cover the ethical, legal and regulatory issues associated with email consultations and whether they can be billed to consumers.

III. POLICY:

It is the policy of CMHOC that staff when communicating within the CMH and County electronic mail system provide only minimal consumer specific information. CMHOC requires messages to be sent "secure" for all email of Protected Health Information (PHI) utilizing CMHOC electronic mail systems outside the County network.

This policy is intended to supplement Ottawa County Personnel Policy and Procedure, Electronic Communication Policy.

IV. PROCEDURE:

1. Communicating PHI via Email Internally

- a. As a general rule, unencrypted email will not be used to communicate Protected Health Information (PHI). Email is inherently less secure than other forms of communication. However, email of PHI will be permitted at CMHOC if certain safeguards are implemented.
- b. CMHOC will implement the following safeguards when communicating PHI in or attached to an email message:
 - (1) The use of electronic mail to communicate identifiable consumer information to users outside the organization is prohibited except in situations of danger to a consumer, when prior authorization for data

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exchange has been received from the consumer/parent/guardian, or when duly authorized using approved IT procedures (i.e. when a message is sent securely in accordance with IT and the County of Ottawa policies).

(2) PHI will not be transmitted in the subject line of the email message.

(3) The fact that the message or an attachment to the message contains PHI will be reflected in the subject line of the email message.

(4) The email message will include the following confidentiality notice:

"This message, including any attachments, is intended solely for the use of authorized recipient(s) and may contain confidential, privileged and/or Protected Health Information as such term is defined under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Any unauthorized review, use, disclosure or distribution of this communication(s) is expressly prohibited. If you are not an authorized recipient, please contact the sender by reply e-mail and destroy any and all copies of the original message."

Note: This confidentiality notice can be added to the signature block of your email signature if you currently use an automated signature.

(5) PHI that is specially protected (i.e. HIV/AIDS information and substance abuse treatment information) will not be communicated via email.

(6) If a document that contains PHI is attached to the message, the User should verify before transmitting the email message that he/she has attached the proper attachment.

(7) Before transmitting the email message, Users should double-check the message and any attachments to verify that no unintended information is included.

(8) Users who communicate PHI via email will comply with all other CMHOC policies and procedures including, but not limited to the following:

- IT Policy-02: Use of Electronic Mail and Privacy
- Board of Commissioners Policy 11: HIPAA Notice of Privacy and Practices
- Board of Commissioners Policy 12: HIPAA- Protection of the Privacy of Protected Health Information.
- Administrative Rule #012: Electronic health Information Security Policy
- Ottawa County's Personnel Policy: "Electronic Communication Policy"
- CMHOC's Policy 10.8: "Privacy and Security of Information".

All of these policies can be located on the County's Front Page or the CMHOC Portal.

c. Any User who is unsure whether an email message or attachment contains PHI should contact his/her supervisor or the HIPAA Privacy Officer before initiating the email communication.

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2. Communicating PHI with Consumers

- a. Consumers have the right to request that CMHOC communicate with them via email.

- b. If a consumer requests email communications containing their PHI, the staff receiving the request must obtain a completed **Consumer Request for Email Communications** form from the consumer prior to processing the consumer's request. The form is available on the CMHOC portal under the medical records tab.

- c. CMHOC reserves the right to deny a consumer's request to communicate with him/her via email if there is sufficient clinical rationale that such communication would be counterproductive to the consumer's care or recovery.

- d. If the consumer's initial request to communicate via email is granted by CMHOC, the consumer will be required to complete the following prior to engaging, for the first time, in provider/consumer emails with CMHOC:
 - (1) Respond to a test email with answers to a question specific to that consumer (i.e., the consumer's date of birth, father's name, mother's name, etc.) to verify the consumer's email address and identity; and
 - (2) Read and understand the Important Information about Provider/Consumer Email form confirming the consumer's understanding of the risks of engaging in email communications with his/her providers.

- e. All completed Consumer Request for Email Communications forms will be scanned in the individual's medical record. The Consumer Request for Email Communications form must be completed annually and can be revoked by the consumer at any time to discontinue email communication.

- f. An approved Consumer Request for Email Communications form will be effective for only the health care provider(s) identified on the Request. The consumer must identify all the health care provider(s) with whom he/she wants to communicate via email.

3. Ownership of Electronic Mail

- a. The email systems at CMHOC belongs to the County of Ottawa.

- b. CMHOC's workforce will adhere to this policy and the County of Ottawa's email policy when sending email that does or does not contain PHI.

- c. CMHOC reserves the right to override individual passwords and access the email system at any time for valid business purposes such as system maintenance and repair and security investigations.

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4. Retention of Email

a. CMHOC regularly archives email for the purposes of record recovery and regulatory compliance.

b. Questions about retention activities should be directed to Ottawa County's IT Director or CMHOC Security Officer.

VI. ATTACHMENT:

Consumer Request for Email Communications form
Important Information About Provider/Consumer Email

VII. REFERENCE:

Ottawa County IT Policy: Electronic Communications Policy
Board of Commissioners Policy 11: HIPAA Notice of Privacy and Practices
Board of Commissioners Policy 12: HIPAA- Protection of the Privacy of Protected Health Information
Administrative Rule #012: Electronic health Information Security Policy
CMHOC Policy Manual - Chapter 10, Section 8: Privacy and Security of Information