TRANSMISSION OF CONFIDENTIAL MEDICAL INFORMATION REQUIREMENTS FOR CONTRACTORS

PURPOSE

This policy establishes basic guidelines for contracting agencies to follow when transmitting confidential medical information to the Texas Department of Health (TDH), Bureau of HIV and STD Prevention (Bureau). The policy is necessary to prevent the unauthorized disclosure of confidential information.

AUTHORITY

Texas Government Code, §552.008 Information for Legislative Purposes; Texas Penal Code, §12.21 Class A Misdemeanor; General Provisions for TDH Contracts; Texas Administrative Code, §98.24 Confidentiality, §98.83 Confidentiality, and §98.138 Confidentiality

CONFIDENTIALITY

Each Bureau employee signs a confidentiality statement that affirms individual responsibility for keeping client records confidential. Contracting agencies are also bound by confidentiality requirements and must develop procedures addressing the handling of confidential medical information within their agency. The General Provisions for TDH Contracts states under Confidentiality, “Performing agency shall have a system in effect to protect client or patient records and all other documents deemed confidential by law which are maintained in connection with the activities funded under this contract.”

PHYSICAL OR ELECTRONIC TRANSMISSION OF CONFIDENTIAL MEDICAL INFORMATION

Electronic data transfer

1. All data sets containing client names being sent by diskette, E-mail, or any other electronic medium, must be password encrypted.
2. The passwords used should be negotiated by the sending and receiving parties before transferring electronic data.
3. Passwords must be at least eight characters in length, contain both letters and numbers, and must not be commonly used words.
4. Passwords for encrypted files may not be mailed in the same shipping package as the encrypted file.

Mailing confidential medical information to Bureau program staff

When mailing confidential medical information to the Bureau, contracting agencies should follow the steps below:

1. Stamp envelopes containing client records as confidential.
2. Clearly indicate a particular office on the address where the envelope is to be delivered.
3. When possible, include in the address the name of an authorized staff member to open the envelope.

Mailing confidential medical information to the HIV/STD Medication Program

When mailing confidential medical information to the HIV/STD Medication Program (Program), contracting agencies and individuals should mark envelopes "Attention: MSJA" which is their TDH mailroom key code. This code alerts mailroom staff that medical records are enclosed and to forward the mail unopened to the Program. Envelopes should be addressed as follows to ensure confidentiality:

TEXAS DEPARTMENT OF HEALTH
ATTENTION: MSJA
1100 W. 49TH STREET
AUSTIN TX 78756

Mailing confidential medical information to the Surveillance Branch

Contracting agencies and individuals should use TDH pre-addressed, postage paid envelopes, with the preprinted mailroom key code for the Surveillance Branch (i.e., 406) when mailing HIV/AIDS/STD case records to the Bureau. This code alerts mailroom staff that medical records are enclosed and to forward the mail unopened to the HIV/STD Epidemiology Division, Surveillance Branch. Contact the Surveillance Branch at (512) 490-2560 to request preprinted envelopes.

When the TDH pre-addressed envelopes are unavailable, agencies must mark envelopes containing HIV/AIDS/STD case records with the following statements:

1. CONFIDENTIAL
2. TO BE OPENED BY ADDRESSEE ONLY
3. ATTENTION: AIDS SURVEILLANCE - 406

FAXING CONFIDENTIAL MEDICAL INFORMATION

Confidential medical information should be faxed only when other methods of sending information are unavailable or not expedient. When faxes have been received in error, contracting agencies are to request that the receiving party return the faxed material via

mail, mark the envelope as confidential, and send to the agency representative's attention.

Cover page, required information

All faxes containing confidential medical information *must* have a cover page containing at least the following information, regardless of which program the information is being sent to:

1. the name and program of the person to whom the fax is intended;
2. a statement that clearly identifies the accompanying material as *confidential information*; and
3. a statement that says, "if you have received this fax by mistake, please call . . . (agency telephone number and staff person's name) *immediately*."

Faxing to Bureau program staff

With the exception of faxing to the HIV/STD Medication Program, contracting agencies must follow the steps below when faxing confidential medical information to the Bureau.

1. De-identify the information to be faxed by removing the client's name and any other identifying information about the client.
2. Write the name of a contact person, the telephone number, and a client number in the upper right-hand corner of the document to be faxed. Do NOT use the client's social security number as the client number.
3. Instruct the Bureau employee requesting the information to call the contact person listed on the fax when it is received, state their name, and give the client number listed on the fax.
4. When the client number matches the number on the faxed information and the appropriate person has received the fax, the client's name and other identifying information may be released to the caller.

Faxing to the HIV/STD Medication Program

The HIV/STD Medication Program requires contracting agencies to include client identifiers when faxing confidential client medical information to the Program. Contracting agencies are required to obtain permission from the client before submitting any confidential information regarding the client to the Program.

FAILURE TO COMPLY

Contracting agencies will be held accountable for any errors in transmission of confidential information to the Bureau. Bureau programs are responsible for documenting violations of this policy and reporting them to the Chief, Bureau of HIV and STD Prevention. The program reporting the violation will send a copy of the documentation to the appropriate contracting agency and file a copy with the Grants

and Contracts Branch of the HIV/STD Health Resources Division. Violations of client confidentiality may lead to an imposition of one or more sanctions by TDH, as stated in the General Provisions for TDH Contracts under Sanctions.

DATE OF LAST REVIEW:

November 13, 2002	Converted format from WordPerfect to Word.

REVISIONS

Page 1, Line 20	deleted “unique identifiers (i.e., names)” and replaced with “client names”
Page 2, Line 3	deleted “4. Use return receipts to verify delivery.”
Page 3, Line 14	added “(Program)” before “requires”
Page 3, Line 15	added “to the Program” after “information”
Page 3, Line 16	deleted “The Program is responsible for providing a secured fax machine to ensure confidentiality of client information.”