

# SbVC Consultation Group

## Instructors

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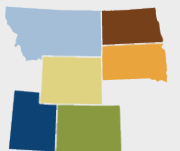
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Mountain Plains ATTC (HHS Region 8)

**ATTC**

Addiction Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration





# **Today's Agenda – Session 8, Welcome !!**

***Avoiding landmines...Understanding HIPAA/42 CFR part 2 in relation to texting, emailing and synchronous vs. asynchronous communication.***

- Understanding HIPAA and 42 CFR part 2.***
- What about BAAs?***
- HIPAA compliant Text and Email.***



# HIPAA

## Title I

## Title II

Title I: Protects health insurance coverage for individuals who lose or change jobs. It also prohibits group health plans from denying coverage to individuals with specific diseases and pre-existing conditions, and from setting lifetime coverage limits.

Title II: Directs the U.S. Department of Health and Human Services to establish national standards for processing electronic healthcare transactions. It also requires healthcare organizations to implement secure electronic access to health data and remain in compliance with privacy regulations set by HHS.

<https://searchhealthit.techtarget.com/definition/HIPAA>

# HIPAA Privacy Rule, Security Rule, HITECH Act

PHI includes:

- a patient's name, address, birth date and Social Security number;
- an individual's physical or mental health condition;
- any care provided to an individual; or
- information concerning the payment for the care provided to the individual that identifies the patient, or information for which there is a reasonable basis to believe could be used to identify the patient.

<https://searchhealthit.techtarget.com/definition/HIPAA>

<https://www.hhs.gov/hipaa/for-professionals/security/index.html>

# HIPAA Business Associate Agreement

<https://support.zoom.us/hc/en-us/articles/207652183-HIPAA-Business-Associate-Agreement-BAA->

<https://vsee.com/hipaa>

## HIPAA Breach Notification Rule

- Requires covered entities and any affected business associates to notify patients following a data breach.
- In 2010, the Federal Trade Commission extended the breach notification rule and its enforcement to healthcare organizations not covered by HIPAA, including vendors of electronic health records (EHRs) and EHR-related systems.

<https://searchhealthit.techtarget.com/definition/HIPAA>



# Questions:

- **Can you identify the sources of ePHI and PHI within your practice or organization?**
- **Do you have a BAA with your video conferencing platform?**
- **What situations have you experienced or have questions regarding HIPAA or 42 CFR part 2?**



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# *42 CFR part 2*

Prohibits treatment programs and certain third-party recipients from disclosing patient identities or records without patient consent.

## Exceptions:

- Medical Emergencies
- Child abuse or neglect
- Reporting a patients crime on program property or against program personnel.
- Research requests
- Qualified Service Organization Agreements
- Court orders authorizing disclosure and use of patient records



[https://lac.org/addiction-  
confidentiality-42-cfr-part-2-  
important/](https://lac.org/addiction-confidentiality-42-cfr-part-2-important/)

[https://www.samhsa.gov/about  
-us/who-we-are/laws-  
regulations/confidentiality-  
regulations-faqs](https://www.samhsa.gov/about-us/who-we-are/laws-regulations/confidentiality-regulations-faqs)



# Telehealth Definitions

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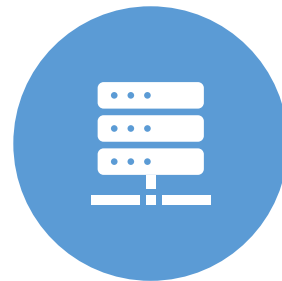
Texting



Email



Synchronous



Asynchronous

# Encrypted Email and Texts

## ***Email***

- ProtonMail
- Tutanota
- Kolab Now
- Countermail
- Mailfence
- Hushmail

## ***Text Apps***

- Ohmd
- Whats App
- Spok Mobile
- Tiger Text
- Zinc
- QliqSoft

<https://www.hipaajournal.com/is-text-messaging-hipaa-compliant/>

<https://www.totalhipaa.com/hipaa-compliant-text-messaging-application-review/>



It's  
Consultation  
Time !





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# Acknowledgments

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Mountain Plains Addiction Technology Transfer Center (MPATTC)

*THANK YOU and SEE YOU NEXT TIME !*

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