Communications Team
401 Fifth Avenue South, Suite 1300
Seattle, WA 98104-1818
206-296-4600 Fax 206-296-0166
TTY Relay: 711
www.kingcounty.gov/health

Public Health
Seattle & King County

Legal Considerations for Implementing Text Messaging for Public Health

Overview: As public health professionals, one of our key roles is to provide credible, timely health information to the public. Text messaging is an important communication channel that public health departments should consider. However, the Health Insurance Portability and Accountability Act (HIPAA) Security Rule raises issues regarding the use of text messaging in the context of public health practice.

Text messages that carry protected health information (PHI) are subject to the HIPAA Security Rule, which requires covered entities to conduct an assessment of the risks and vulnerabilities of electronic health information. To identify the legal issues that are relevant for health organizations that want to send PHI via text message, our research team:
    1) Identified the scope of the risk analysis,
    2) Evaluated the potential threats and vulnerabilities in proposed messages that contained protected heath information,
    3) Assessed current security measures that would apply to SMS,
    4) Determined the likelihood of a threat occurring,
    5) Assessed the potential impact on the individual and organization
    6) Identified mitigation strategies, and
    6) Documented the process.

Method/Participants: Researchers worked with the University of Washington's Center for Information Assurance and Cybersecurity to conduct a risk analysis of sending protected health information via SMS. Specifically, the risk analysis identified vulnerabilities that are under the control of a local health department, such as Public Health – Seattle & King County; are under medium control of a health department; and, are out of the control of a health department (such as vulnerabilities at the mobile phone carrier level).

Results: The report identified the risks and vulnerability of sending PHI in two scenarios and several mitigation steps to reduce these risks.

Recommendations:
- Determine if the message you are planning to send contains protected health information (PHI).
- Assess if your health department is a covered entity and therefore subject to federal privacy and security laws.
- Meet with legal teams within your department to conduct a risk analysis of using text messages to send PHI and to address all standards within the Federal HIPAA Security Rule.

www.kingcounty.gov/health/texting