

Policy & Procedure

Title: AltaMed Texting Policy

Policy #: HS-PRV-005

Issuing Dept.: Office of Compliance and Risk Management

Effective Date: 08/20/2021

Approved by: Board of Directors

Revision Date: 11/1/2022

Contact information

1. For further information about this policy, contact the Privacy Office within in Office of Compliance and Risk Management.

Purpose

1. The Federal Communications Commission (“FCC”) and other regulatory agencies have issued regulations implementing the Telephone Consumer Protection Act (“TCPA”), including “Do Not Call” list requirements (collectively, the “Rules”), addressing whether and how companies may communicate with consumers through outbound telephone communications, including text messages and telephone calls. This AHS Texting Policy (“Policy”) governs how AltaMed Health Services, and contracted service providers acting on its behalf (collectively “AHS”) may contact patients via outbound text messages.
2. This Policy sets forth guidelines that AHS will follow when sending text messages to AHS patients. The text messages will only be sent to mobile telephone numbers provided to AHS by the patient for healthcare purposes. The patient cannot be charged for the text message nor can the text be counted against the limits of a wireless telephone plan.

Policy

1. Notice of Consent

- 1.1. Wherever possible, AHS will notify patients that the mobile phone number(s) they provide may be used to send them text messages, and will obtain the patient’s explicit consent to receive communications in this manner. Such consent will be recorded and kept on file to demonstrate compliance, if necessary. A recipient may request to revoke consent at any time. Such request shall be implemented as soon as practicable, as but no later as 30 days from revocation.

2. Purpose of Text Messages

- 2.1. Outbound text messages to patients may be sent for the following purposes:
 - 2.1.1. Appointment/Exam Confirmations and Reminders
 - 2.1.2. Prescription Reminders
 - 2.1.3. Pre-Registration Instructions
 - 2.1.4. Availability of Lab Results (NOT including the actual lab results)
 - 2.1.5. Vaccination Reminders
 - 2.1.6. Home Healthcare Instructions
 - 2.1.7. Wellness Checkups
 - 2.1.8. Pre/Post-Operative Instructions
 - 2.1.9. Text messages that address other topics (including billing) or that may be sent for marketing purposes may be subject to additional requirements and require prior review and approval by the Legal and Privacy Departments.

3. Frequency of Text Messages

- 3.1. Text messages will not be sent to any mobile number more than one time per day and

no more than three times in one week.

4. Content of Text Messages

- 4.1. Text messages shall be concise, not exceeding 160 characters in length, and be limited to communications with the patient regarding the topics referenced above.
- 4.2. Text messages will include reference to AHS as the sender (or the specific name of the provider) as well as contact information.
- 4.3. All unencrypted text messages must comply with applicable requirements in the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) as amended by the Health Information Technology for Economic and Clinical Health Act (“HITECH”), and AHS policies.¹
- 4.4. The text message cannot include telemarketing, solicitation, advertising, accounting/billing, debt collection, or other financial content.
- 4.5. Transmitting Protected Health Information via unsecure methods could be viewed as impermissible under HIPAA unless the patients are advised of the security risks and they consent regardless of such risks. Accordingly, AHS or its contracted third party should include a notice regarding the security risk of unsecured text messages.

5. Method of Transmission

- 5.1. AHS may not use an Automatic Telephone Dialing System (“ATDS”) as that term is defined by the TCPA. Per the United States Supreme Court, ATDS is narrowly defined as software that utilizes random or sequential number generators to store or dial telephone numbers.² Accordingly, a software system that only stores lists of telephone numbers and dials or text messages numbers from those lists is interpreted not to qualify as an ATDS.

6. Opt-Out of Further Correspondence

- 6.1. All text messages will offer the recipient the ability to opt-out of receiving any further text messages from AHS, including an option to respond with “STOP” or another key press activated opt-out method. All opt-out requests will be effective and honored immediately.

Education & Training Plan

1. All AHS workforce who may send text messages to patients will be trained on this policy.

Implementation Monitoring Plan

1. Compliance with this policy will be monitored and audited by AHS’s Privacy Office.

References & Citations

1. AHS Policy: HR-CDD-006.18 Confidentiality and Privacy of Protected Information (§6)
2. AHS Policy: HS-HIP-002 Use and Disclosure of Protected Health Information
3. Telephone Consumer Protection Act (“TCPA”) (47 U.S.C. § 227)
4. Telephone Robo-call Abuse Criminal Enforcement and Deterrence (“TRACED”) Act (Public Law No: 116-105)
5. Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) as amended by the Health Information Technology for Economic and Clinical Health Act (“HITECH”)