

**E-MAIL COMMUNICATIONS: INCLUDING PHI IN E-MAIL**

The University of Chicago Medical Center (UCMC) supports the timely e-mail communication of protected health information (**PHI**) to promote patient health and safety and efficient customer service while balancing the need for patient privacy. As such, e-mail communication involving PHI is allowed only under specific circumstances, and shall occur according to UCMC guidelines.

At this time, UCMC does not have an “organizational-wide” secure e-mail messaging system for e-mail communication sent outside UCMC. E-mail sent via the Internet or other unsecure means can be intercepted and read by individuals other than the intended recipient. This poses a risk to our patients and UCMC.

UCMC and BSD departments may contact the Chicago Biomedicine Information Services (CBIS) Department at 2-3456 for information on establishing a secure method for transmitting sensitive information via email. Such approved methods include Virtual Private Network (VPN), Secure File Transfer Protocol (sFTP), and the WebShare Service (*See link #1 on page 5*) available from the University of Chicago – Networking Services & Information Technologies (NSIT).

**NOTE:** Guidelines for communicating with patients via e-mail exist as well (*See link #2 on page 5*).

**GENERAL GUIDELINES FOR SENDING PHI IN E-MAIL**

#	<u>Question</u>	<u>Answer</u>
1.	What e-mail account can I use?	Only use your UCHospitals, BSD, or departmental e-mail address. Do not send PHI <u>to or from</u> your Hotmail, Yahoo or other personal e-mail account.
2.	To whom can I send e-mail messages that contain PHI?	Only send e-mail to individuals/entities directly involved with the specific content of the e-mail. This includes: <ul style="list-style-type: none"> <li>▪ <b>Other faculty and staff at the Medical Center</b> (only to e-mail accounts noted in question #1 above).</li> <li>▪ <b>External entities</b> (e.g. collection agencies, insurance companies) <b>ONLY</b> when using an UCMC approved secure e-mail solution.</li> <li>▪ <b>Non-UCMC physicians</b> involved in the care of the patient <b>ONLY</b> when using an UCMC approved secure e-mail solution.</li> <li>▪ <b>UCMC patients</b> according to specific instructions (<i>See link #2 on page 5</i>).</li> </ul>
3.	Can I e-mail UCMC patients?	Yes, but you <b>must</b> follow specific guidelines.  View the “E-mail Communications: Between UCMC Providers and Patients” guidelines ( <i>See link #2 on page 5</i> ).
4.	Can I e-mail PHI to individuals or entities outside the UCMC and BSD e-mail systems?	Yes, but only under specific conditions.  Except for communicating with UCMC patients after the specific guidelines are followed, secure methods (e.g. sFTP, VPN, WebShare – <i>See link #1 on page 5</i> ) must be used. Contact the CBIS Department for assistance.

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5.	What can I put in the subject line?	Do not use “patient-specific information” such as the patient’s name, initials, or medical record number in the subject line of the e-mail. This applies to sending e-mail internally and externally. However, patient initials or patient encounter numbers can be used for billing questions/matters when sending e-mail within the UCMC/BSD e-mail system.
6.	What can I include in the text (body of the e-mail)?	Limit e-mail containing PHI to the “minimum necessary” information to meet the intended purpose and direct only to individuals with a need-to-know.
7.	Do I need a special disclaimer in my signature?	<p>Include the UCMC approved disclaimer on all e-mail messages. For instructions on adding this information to your e-mail messages automatically, please contact the CBIS Department or your Information Services Help Desk.</p> <p><i><b>This e-mail is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this e-mail message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please notify the sender, delete the e-mail, and shred all hard copies of the transmittal. Thank you.</b></i></p> <p><i>An additional disclaimer is recommended when sending e-mail to UCMC patients – see separate guideline document (See link #2 on page 5).</i></p>
8.	What should I check before sending the e-mail message?	<p>Verify that you have attached the correct document containing PHI (e.g. letter, clinic note, spreadsheet, report).</p> <p>Check that all address fields (e.g. “to”, “cc”, and “bcc”) reflect the correct individuals who will receive the message.</p>
9.	Who should I contact if I need to use a secure solution to send PHI?	Contact the CBIS Department at 2-3456 for assistance.
10.	How do I send an e-mail with a secure file attachment containing PHI if the recipient doesn’t have the means to receive a “secure” file?	<p>You should not send the file via unsecure email.</p> <p>You should:</p> <ol style="list-style-type: none"> <li>a) Burn the file on a CD, password protect the files, mail the CD, and then call the recipient and provide the password (do not e-mail the password);</li> <li>b) Fax materials per the faxing guidelines (<i>See link #3 on page 5</i>); or</li> <li>c) Use the WebShare service available through NSIT.</li> </ol>

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The following are situation based questions and answers to help you apply the guidelines.

<b>E-Mail Communications Within UCMC/BSD</b>	
<b>Question</b>	<b>Answer</b>
If I am a UCMC employee can I send an e-mail containing PHI to a BSD employee?	<p>Yes, as long as the e-mail originates from the UCMC e-mail server and is transmitted to the BSD employee's BSD e-mail address. Only provide the minimum amount of information necessary to fulfill the purpose of the e-mail. If the e-mail communication continues back and forth for a few e-mails, it is best to phone the individual to discuss the details.</p> <p>The answer is the same if a BSD employee wants to send an e-mail containing PHI to a UCMC employee.</p>
Can I put the patient's name in the "subject" line of the e-mail?	In order to maintain patient confidentiality, you should <u>not</u> put the patient's name in the subject line of the e-mail. As an alternative, you can put the words "patient specific information."
Can I send PHI to UCMC Legal Affairs or Patient Safety?	Yes, individuals can send PHI as long as the general guidelines are followed.
What should I do if I receive an e-mail containing PHI in error?	<p>Send a "reply" e-mail to the sender noting that you received the e-mail in error and that the sender should check that he/she has the correct e-mail address for the individual who should have received the message.</p> <p>Before replying to the sender, strip the content of the e-mail to avoid any further errors.</p> <p>Notify the HIPAA Program Office at 4-9716 of the error for appropriate follow up.</p>

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<b>E-Mail Communications With External Entities (e.g. Vendors, Insurance Companies)</b>	
<b>Question</b>	<b>Answer</b>
I need to send an Excel Spreadsheet containing PHI to a collection agency, but I don't have encryption. What should I do?	<p>You can:</p> <ol style="list-style-type: none"> <li>1. Use the WebShare Service (<i>See link #1 on page 5</i>) available through NSIT; or</li> <li>2. "Burn" the spreadsheet to a CD, password protect the file, mail the CD, and then call the recipient and provide the password to the file; or.</li> <li>3. Fax the spreadsheet according to the UCMC faxing guidelines (<i>See link #3 on page 5</i>).</li> </ol>
Can I respond via e-mail to a health plan's e-mail requesting dates of service and medical treatment information on specific UCMC patients?	No. Even though the health plan initiated the e-mail, you should not respond using unsecure e-mail. Contact the health plan via phone to communicate the information.

<b>E-Mail Communications Between UCMC Provider and Non-UCMC Providers</b>	
<b>Question</b>	<b>Answer</b>
I need to send an Excel Spreadsheet file containing research data containing PHI to a collaborating researcher at Johns Hopkins University, but I don't have encryption. What should I do?	<p>You can:</p> <ol style="list-style-type: none"> <li>1. Use the WebShare (<i>See link #1 on page 5</i>) service available through NSIT; or</li> <li>2. "Burn" the spreadsheet to a CD, password protect the file, mail the CD, and then call the recipient and provide the password; or</li> <li>3. Fax the spreadsheet according to the UCMC faxing guidelines (<i>See link #3 on page 5</i>).</li> </ol>
Can I respond via e-mail to a patient's primary care physician's (PCP) unsecure e-mail requesting my opinion after I saw the patient in clinic on a referral basis?	No. Even though the PCP initiated the e-mail, you should not respond using unsecure e-mail. Contact the PCP by phone to communicate the information and follow up the conversation with a letter/note.
Do I need to use a secure e-mail messaging solution to e-mail a general narrative describing a patient and a photographic image to a Non-UCMC physician for his case study presentation at a national conference attended by physicians and researchers?	<p>No. As long as the narrative doesn't contain patient specific information or the case is not so unique that a reasonable person could identify the patient <b>AND</b> any identifiable information on the photograph (e.g. patient name, medical record number) is removed and physical features (e.g. eyes) are blacken out or distorted.</p> <p>However, if PHI is being used, you should transmit the information using a secure messaging solution (e.g. encryption) <b>only</b> after a written patient authorization is obtained.</p>

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**Links Referenced in this Document**

1. NSIT's Webshare Services Summary Document:  
[http://hipaa.bsd.uchicago.edu/NSIT\\_WebShare\\_Services\\_Summary20080215\\_FINAL.pdf](http://hipaa.bsd.uchicago.edu/NSIT_WebShare_Services_Summary20080215_FINAL.pdf)
2. E-mail Communications Guidelines: Between UCMC Providers and Patients:  
[http://hipaa.bsd.uchicago.edu/Email\\_and\\_PHI\\_Guidelines\\_Provider\\_Patient\\_Grid.pdf](http://hipaa.bsd.uchicago.edu/Email_and_PHI_Guidelines_Provider_Patient_Grid.pdf)
3. Faxing Patient Information Guidelines  
[http://hipaa.bsd.uchicago.edu/quick\\_ref\\_guide\\_5.html](http://hipaa.bsd.uchicago.edu/quick_ref_guide_5.html)