



<b>Policy Title:</b> Electronic Communications			
<b>Department Responsible:</b> Cone Health Management Systems	<b>Policy Code:</b> THN-GC-12.5	<b>Effective Date:</b> October 1, 2005	<b>Next Review/Revision Date:</b> April 2021
<b>Title of Person Responsible:</b> Cone Health Data Security Administrator	<b>Approval Council:</b> THN Compliance and Privacy Committee		<b>Date Approved/Adopted by Compliance and Privacy Committee:</b> July 10, 2017

**DEFINITIONS:**

For the purpose of this policy Triad Healthcare Network (THN), as well as their affiliates, will be labeled in terms such as employees, physicians, contract service providers, purchased personnel, volunteers, and students. THN has a designated privacy officer who will work in conjunction with the Cone Health’s Chief Human Resources Officer to manage complaints and violations of this policy.

**PURPOSE:**

To define Triad Healthcare Network's standards and requirements for appropriate use of all telephone/electronic communications, including electronic mail (e-mail), voicemail, text messaging, long distance, personal use of system telephones, personal cellular telephones and digital assistants (PDAs), the Internet, facsimile (fax), personal computers, pagers, and other means of electronic communication.

This policy applies to:

1. All employees of THN and their subsidiaries and operating units.
2. All such individuals or organizations whether paid or unpaid, including those individuals who use the e-mail application, regardless of where such activities take place or the nature of the activity.
3. All users of computers and other forms of electronic communication connected to, owned or leased by THN and its subsidiaries and operating units. This includes all users of such devices at third-party sites used for access to THN's e-mail or electronic medical record systems.

**POLICY:**

Triad Healthcare Network’s electronic communication systems exist for legitimate business purposes. Use of THN's electronic communication systems is prohibited for purposes that are not for legitimate business purposes. Incidental use of THN’s electronic communication systems for personal, non-business purposes is permitted only to the extent permitted by this policy.



## Personal Use

THN allows incidental personal use of the electronic data/communication systems subject to the following conditions and restrictions:

1. Personal use must be infrequent and must not:
  - Involve any prohibited activity (see below);
  - Interfere with the productivity of employees or their coworkers;
  - Consume any significant THN resources or storage capacity;
  - Involve large file transfers or otherwise deplete THN resources available for business purposes; or
  - Involve any news group, mailing/distribution list, bulletin board, or other type of discussion forum that is not conducted on behalf of THN.
2. Personal services and personal items for sale may be advertised only in the Want Ads section of the Cone Health's Announcements.

## Prohibited Activities

All affiliates of THN are strictly prohibited from using the electronic communication systems in connection with any of the following activities:

- Engaging in activities on behalf of any organization with no professional or business affiliation with THN;
- Transmitting messages that may constitute intimidating, hostile or offensive material on the basis of sex, race, color, religion, national origin, sexual orientation, age, disability or any other status protected under federal, state or local law;
- Publicizing or soliciting on behalf of non-THN sports leagues or events, or non-THN sponsored charities or fund raisers;
- As a forum to publicize personal complaints;
- Advocating in support of or in opposition to any political, religious, or other outside organization.
- Distributing chain letters or business solicitations.
- Engaging in illegal, fraudulent, or malicious activities.

## Electronic Mail

E-mail is a computer software application supplied to THN users as an aid to productivity and communication for business purposes. E-mail is intended only to benefit THN and, therefore, any e-mail failures will not give rise to damage claims by either THN affiliates or third-party users; by using e-mail, the affiliate or third-party user acknowledges no right to a claim exists.

All electronic communications, whether sent within THN to outside persons, should be courteous and professional in all respects and should not contain any statements that may violate harassment policies or that would embarrass THN, its affiliates, or its customers.

## Copyright Materials

THN strictly adheres to all agreements regarding the use and distribution of copyrighted material. The e-mail system may not be used to share software, but it may be used to send files and information to authorized users in accordance with all such restrictions. THN may be licensed for use of programs or material with restrictions not to copy or distribute under the penalty of law. It will be each person's responsibility to adhere to all copyright restrictions.



### **Confidentiality and Access to E-mail**

E-mail sent or received on Cone Health's network (utilized by THN) is neither private nor confidential. THN reserves the following rights:

1. To monitor all e-mail transmissions as needed to determine if e-mail is being used for other than legitimate business reasons and to protect THN against copyright infringement, loss of trade secrets or other business policy violations.
2. To record and disclose to others all electronic communications at any time, with or without notice. No employee or other user of the e-mail system has a privacy right in anything created, received or sent on or from the e-mail system.

Under certain circumstances, it may be necessary for THN to review e-mail messages or logs. All such instances will require prior Human Resources approval. Such circumstances include, but are not limited to:

1. Suspected violations of THN policies or illegal activity.
2. Litigation involving THN that results in a subpoena for production of documents, including e-mail messages.
3. Urgency in retrieving vital messages when an employee is not available to give his or her approval.
4. Termination of employment.
5. Upon request by a manager or supervisor.

As a result, all employees should exercise extreme caution before sending information through the e-mail system, as e-mail messages are not private and can be intercepted by other parties. E-mail users should be aware that e-mail messages can be monitored and recorded at any time, and deleted e-mail may be restored. E-mail users should exercise extreme caution before sending e-mail messages to parties outside the THN network (e-mail addresses other than **@conehealth.com**); unless they are *encrypted*, such messages can be intercepted and read during transmission.

### **Storage Policy**

Affiliates should manage their message logs to conserve THN resources. This responsibility includes deleting information that is no longer needed and limiting the length and contents of messages to conserve computer, network and storage resources. Individuals should delete unnecessary messages as needed but at least on a monthly basis, or more often depending upon the number of messages saved. Unnecessary file sharing should be avoided. To avoid all of the pitfalls involved in sharing files through e-mails, files should not be sent through e-mail unless other methods of sharing those files are unavailable. Files should be stored on shared network drives and only links or their locations sent through e-mail.

E-mail accounts that are dormant for a period of 30 days can be disabled. Reinstatement of disabled accounts will require approval of the appropriate responsible director.

### **Protected Health Information**



E-mail should not be used to send Protected Health Information (PHI), as it is non-secure and non-auditable. Some sharing of PHI through e-mail is permitted as long as the information remains within THN secure network (sent to a Cone Health mailbox) and is not transported to any third party e-mail service or transmitted via the Internet. An exception exists for e-mail that is encrypted or sent over a secure connection. Use of cellular telephones to conduct Cone Health and THN business via text messaging is not permitted *unless* a mechanism for securing the text messages (such as encryption) is employed. Orders cannot be texted under any circumstance. Any such encryption should be verified with Cone Health's Data Security Administrator before use. PHI should be sent only to those individuals with a need to know, with strict adherence to THN's confidentiality policy and federal (HIPAA, HITECH, etc.) and state privacy/security rules.

### **Retention of E-Mail Backup Files**

Users are advised not to keep copies of their personal e-mail in local folders on their computers. Such files are not backed up and may be lost due to computer failures or reconfigurations. All e-mail should only be stored in their system e-mail mailbox. No additional active archive folders should be kept on network storage devices that would allow unfiltered storage. Additional mailbox storage space can be assigned as needed.

E-mail messages may only be saved on network storage devices as individual documents in shared or personal folders. These e-mail files will be backed up and recoverable. If there is a need to save e-mail messages permanently, they should be printed and stored by the user.

### **Telephone**

Personal use of telephones (including cellular) to conduct non work-related business during regular work hours is not permitted. Effort should be made to make non-work related calls during breaks and at meals. Telephones in offices and at nursing stations are for the transaction of THN business only. Affiliates making unauthorized long-distance personal calls will be held responsible for all charges. Excessive use of telephone for personal reasons and charging unauthorized personal long-distance phone calls to THN are serious breaches of conduct and are grounds for disciplinary action up to and including termination without warning.

### **Authorized Third Parties**

Authorized third parties are permitted to communicate with THN by e-mail. This policy also applies to external communication with third-party sources via their network e-mail. Confidential information/data (production, financial, clinical transactions or time sensitive communications) are not permitted to be transported or transmitted to or via third party e-mail carriers (Yahoo, Hotmail, etc.).

Third party e-mail systems, such as those provided by Yahoo, Hotmail, Google and others, should not be accessed from THN computers or resources unless approved by Management Systems.

PHI may only be shared with vendors and other business entities when a fully executed Business Associate Agreement is in place; however, unencrypted e-mail should never be used to share this information.



Although third-party vendors are expected to handle e-mail messages in a confidential manner, confidentiality cannot be guaranteed. THN users must exercise caution when communicating with third-party vendors.

**Cameras (including the camera function on cellular telephones)**

Cameras should not be used in any manner that could compromise patient, employee or business confidentiality.

**ENFORCEMENT:**

Depending upon the environment through which they are transmitted, certain third-party communications may be subject to the Electronic Communications Privacy Act (ECPA). This Act makes it a federal crime to intentionally intercept, disclose, or use electronic communications without permission.

As required, a confidentiality notice will automatically be attached to all e-mail exiting Cone Health's secure network. Personal or individualized confidentiality statements are unnecessary and prohibited.

All users of THN’s telephone or electronic communication systems agree that they will NOT:

- Exhibit or divulge any information that identifies a patient or the contents of any electronic or printed record or report except to fulfill an official work assignment and in accordance with THN policy.
- Include or cause to be included in any record or report a false, inaccurate, or misleading entry.
- Remove or copy any record or report from the office where it is kept, except in the performance of official duty.
- Release their authentication codes, passwords, or devices to anyone else, or allow anyone else to access or alter information under their identity.
- Utilize any other person’s authentication code, password, or device.

All users have a duty to report any violation of this policy to the user’s immediate supervisor and/or the Human Resources Department.

Cone Health and THN affiliates who violate this policy may be subject to corrective action, up to and including immediate termination of employment or termination of contract or business relationship.

**REFERENCES/DOCUMENTS:**

1. [CONE HEALTH ELECTRONIC COMMUNICATIONS-OR-MIS-2005-123](#)

**PREVIOUS REVISION/REVIEW DATES:**

<i>Date</i>	<i>Reviewed</i>	<i>Revised</i>	<i>Notes</i>
October 1, 2005			Original effective date.
December 1, 2008			
September 1, 2009			
September 2012			
November 2012			
July 16, 2015			Updated formatting to match current policy template; no content changes.



<i>Date</i>	<i>Reviewed</i>	<i>Revised</i>	<i>Notes</i>
July 10, 2017		Yes	Branded with THN where appropriate
April 23, 2018	Yes	Yes	Updated new Compliance and Privacy Name; included new policy format.

**This procedure is in compliance with all federal and state requirements and specifically the requirements set forth by the Centers for Medicare and Medicaid (CMS) as outlined in the Medicare Managed Care Manual Chapter 4 – Beneficiary Protections, 42 CFR §§ 417.428, 422.2260, 423.2260, 440.169, and 441.18.**