



## LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH

### **SECURE TEXT MESSAGING and VIDEO CHAT COMMUNICATION AGREEMENT**

The Los Angeles County Department of Mental Health (DMH) is providing a secure text messaging and video chat communications solution for its workforce to communicate all confidential data, including but not limited to Protected Health Information (PHI), while maintaining the confidentiality of information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other applicable federal, State, and local laws, or regulations as related to confidentiality.

As a part of the DMH workforce, I acknowledge and agree to be bound by all the terms, conditions, and policies of this agreement, including any future amendments. I understand that my non-compliance with any portion of this Agreement may result in disciplinary action including suspension, discharge, cancellation of contracts, and the possibility of civil and/or criminal penalties. I acknowledge that I have read, fully understand, and will follow DMH Policy 401.05, Use of Secure Text and Video Chat Messaging in Practitioner/Client Communications, as well, as DMH Policy 506.02, Privacy Sanctions, and all other HIPAA Privacy and Security Policies.

**As an authorized DMH workforce member, I agree to and understand the following:**

1. I confirm that I have a business need for the use of the Secure Text Messaging and Video Chat Communication Solution.
2. My management has authorized me to use this feature according to all DMH applicable policies.
3. I will inform my client that the DMH-approved secure text messaging/video chat application can be downloaded from their device's app store at no cost.
4. All text messages and video chat communications containing PHI or confidential data or information **must** be done only through the DMH-approved secure text messaging/video chat application installed on a County-issued device.
5. If I receive a text or video chat message that includes sensitive or confidential information via an unsecure method such as device's native SMS, Apple iMessage, or any other third-party messaging application, I must respond to the sender via other means of communication (e.g., telephone) and delete the unsecure text message immediately.
6. Extreme care must be used to ensure all text messages and video chat communications are sent to and from the intended recipient and/or participants.



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- 7. Text messages and video chat communications must only include the minimum necessary PHI or confidential data to protect the client’s privacy and to minimize risk of unauthorized disclosure.
- 8. Saving, sharing, or distributing text messages, pictures, and audio or video recordings outside the DMH-approved secure text messaging/video chat application is strictly prohibited.
- 9. I must append all the relevant content communicated via the secure text messages or video chat communication session to the appropriate medical record(s) within the first seven (7) days of the communication.
- 10. A passcode or the fingerprint security feature must be enabled on the communication device.
- 11. Extreme care must be used to prevent theft or loss of the device.
- 12. In the event PHI or other confidential or sensitive data has been sent to an unintended recipient(s), the breach notification procedure as outlined in DMH Policy 506.03, Responding to Breach of Protected Health Information, must be followed.

**I certify that the agreement and policies listed above have been reviewed with me as of the date indicated below, that I understand their provisions, and that I have read this agreement and reviewed the DMH Secure Text messaging and Video Chat Solution User Guide.**

<b>Employee Name (Print)</b>	<b>Employee Signature</b>	<b>Date</b>
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**As a DMH staff person performing in a management or supervisory capacity, I acknowledge that I am responsible for:**

- 1. Ensuring that employees under my authority, who are authorized to use the DMH-approved secure text messaging/video chat application, sign and comply with this Secure Text and Video Chat Communication Agreement.
- 2. Compliance with DMH Policy 506.02, Privacy Sanctions, and other HIPAA Privacy and Security policies that are available for viewing on the DMH Internet website.

<b>Supervisor Name (Print)</b>	<b>Supervisor Signature</b>	<b>Date</b>
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