

## Email Tips for HIPAA Compliance

As the importance of email has grown, its legal status has changed—with far-reaching consequences. In the last few years, a variety of laws and regulations have been extended to email communications in both public and private sectors. HIPAA reaches beyond email; the following “Tips” are suggested quick starts to a successful compliance plan.

### Why should you care about HIPAA?

Among other requirements, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) directs healthcare and insurance providers to protect personally identifiable electronic healthcare information from illicit access, while ensuring the information is continuously available to authorized parties—such as patients and their doctors and insurers.

### Why has controlling access to electronic healthcare records suddenly become so important?

With today’s epidemic of identity theft, it’s much easier for electronic records to fall into the wrong hands. It’s also easier for electronic records to be accidentally deleted or intentionally falsified. To manage provider risk and ensure patient privacy and safety, enforcement of HIPAA-mandated security requirements has increased.

### What enterprises are covered by the HIPAA privacy rule?

Individual and group health plans, HMOs, long-term care insurers, employer-sponsored and multi-employer-sponsored plans, government- and church-sponsored plans fall under compliance. This also includes all other organizations who use email in connection with healthcare claims, benefits eligibility inquiries, referral authorization requests, and other HHS-specified transactions. Healthcare clearinghouses and any business that processes personal health information (PHI) also need to comply with HIPAA.

### What does HIPAA have to do with email?

Everything! An email with an attached diagnosis or prescription is defined as a HIPAA-protected record. An incoming email from a patient asking for clarification regarding an explanation of benefits can be regarded as a protected record. Even a “thank you” email can be subject to HIPAA if it mentions a specific procedure.

### How can providers and insurers identify, secure and archive emails that contain protected health information?

- Implement policy-based filtering to automatically scan incoming and outgoing emails and attachments for potentially protected information. **Sendmail provides software or appliances for powerful policy definition and enforcement. In addition, Sendmail provides a pre-built lexicon for turnkey identification of protected information.**
- Encryption. **Sendmail automatically encrypts messages that contain protected information with no user intervention required.**
- Implement a quarantine and secure storage to ensure full compliance. **Sendmail provides a framework to scan, capture and quarantine non-compliant and suspect messages. Once in quarantine, Sendmail enables role-based privileges for review and action.**

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