OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS
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TRICARE
MANAGEMENT
ACTIVITY

APR - 9 2008

MEMORANDUM FOR DIRECTORS, TRICARE MANAGEMENT ACTIVITY

SUBJECT: Facsimile Transmission Policy for Documents Containing Personally Identifiable Information and/or Protected Health Information

REFERENCES: (a) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
(b) DoD 8580.02-R, "DoD Health Information Security Regulation," July 12, 2007
(c) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003

1. PURPOSE

This memorandum establishes policy for documents transmitted and/or received by facsimile that contain Personally Identifiable Information and/or Protected Health Information (PII/PHI) in accordance with References (a) through (c) (attached).

2. APPLICABILITY AND SCOPE

2.1 The provisions of this policy apply to TRICARE Management Activity (TMA) Directorates, TRICARE Regional Offices, TRICARE Area Offices, and all other organizational entities in TMA (hereinafter referred to as TMA components).

2.2 The provisions of this policy apply to all TMA workforce members, including military members, government civilian employees, and TRICARE contractors, when required by contract.

3. DEFINITIONS

3.1 TMA workforce. Military and civilian full-time and part-time employees, volunteers, trainees, and other persons (including students and contract personnel) whose conduct, in the performance work for TMA, is under the direct control of TMA, whether or not they are paid by TMA.

3.2 PII. Information which can be used to distinguish or trace an individual's identity, including name, social security number, date and place of birth, mother's maiden name, biometric records, and any other personal information which is linked or linkable to a specified individual.

3.3 PHI. Individually identifiable health information created, received, or maintained by a covered entity, including TMA, that is transmitted or maintained by electronic or any other form or medium, except as otherwise contained in employment records held by TMA in its role as an employer.

4. POLICY

It is TMA policy that:

4.1 All documents containing PII and/or PHI (hereinafter PII/PHI) that are received and/or transmitted by facsimile need to be protected against unauthorized disclosure, in accordance with References (a) through (c) at Enclosure 1.

4.2 All TMA workforce members are required to adhere to appropriate administrative, physical, technical safeguards that are in place to protect PII/PHI from unauthorized disclosure, access, or misuse.

4.3 TMA offices must place a facsimile machine that is used for the transmission and/or the receipt of PII/PHI in a secure location to prevent unauthorized access. Such facsimile machine must be labeled "For Official Use Only" and must be checked periodically to ensure incoming faxes are picked up in a timely manner and that PII/PHI is not left unattended in the area around the facsimile machine.

4.4 TMA workforce members must confirm a recipient's fax number, whether pre-programmed or not, prior to sending a document containing PII/PHI in order to avoid an inadvertent disclosure.

4.5 Prior to sending a facsimile, TMA workforce members must contact the recipient, whenever possible, to ensure that the receiving facsimile machine is in a secure area and that PII/PHI will not be left unattended.

4.6 Pre-programmed numbers must be checked on a quarterly basis and verified and/or updated for accuracy. Any TMA workforce member who is notified of a change in a recipient's fax number must promptly check to see if the fax number is pre-programmed and must update the same.

4.7 TMA components must configure facsimile machines to automatically print out a verification report, whenever possible, to validate that the facsimile was sent to the correct number and that all pages were transmitted.

4. 8 Any documents sent from TMA by facsimile must be accompanied by a cover page that includes, but is not limited to, the name and contact information of the sender and recipient and the number of pages being transmitted. A confidentiality statement must be included on all facsimile cover pages. The following is an example:

> THIS FAX IS INTENDED ONLY FOR THE USE OF THE PERSON OR OFFICE TO WHOM IT IS ADDRESSED, AND CONTAINS PRIVILEGED OR SENSITIVE INFORMATION PROTECTED BY LAW. ALL RECIPIENTS ARE HEREBY NOTIFIED THAT INADVERTENT OR UNAUTHORIZED RECEIPT DOES NOT WAIVE SUCH PRIVILEGE, AND THAT UNAUTHORIZED DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE DESTROY THE ATTACHED DOCUMENT(S) AND NOTIFY THE SENDER OF THE ERROR BY CALLING THE TMA PRIVACY OFFICE AT (703) 681–7500.

4.9 TMA workforce members must verify the transmission of all facsimile sent, by checking the transmission log, in order to ensure that the document being faxed was sent to the proper facsimile number.

4.10 In the event of an erroneous facsimile transmission, the TMA workforce member, as defined in 3.1, who sent the fax in error must: (1) contact the recipient, if possible, and request that the facsimile be destroyed; and, (2) contact the TMA Privacy Officer immediately to report the breach.

4.11 TMA workforce members are prohibited from allowing anyone who is not within the TMA workforce access to, or use of, the facsimile machines that are used for the transmission and/or receipt of PII/PHI.

6. EFFECTIVE

This policy is effective immediately.

Questions regarding this policy shall be directed to Ms. Leslie V. Shaffer, Director, TMA Privacy Office, at (703) 681–7500.

Elder Granger
Major General, MC, USA
Deputy Director

Attachments:
As stated