

Ask ECRI: Best Practice Recommendations for Texting Orders for Patient Care, Treatment, or Services

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Guidance

Full Text

While computerized provider order entry continues to be the preferred method for treatment instructions, both federal and accreditation organizations acknowledge that texting is an essential means of communication among healthcare team members and have issued requirements to address record retention, privacy, confidentiality, security, and integrity concerns.

According to the Centers for Medicare and Medicaid Services (CMS) requirements issued through a [February 2024 memo](#), organizations must use a Health Insurance Portability and Accountability Act of 1996 (or HIPAA)-compliant secure texting platform (STP) that satisfies CMS Conditions of Participation (CoPs)—specifically [42 CFR 482.24](#) and [482 CFR 485.638](#)—that require records be accurately written, promptly completed, properly filed and retained, accessible, authenticated, secured, and maintained.

Joint Commission-accredited healthcare organizations that implement an STP may indeed text patient information and orders to members of a patient's care team as per a [June 5, 2024, Joint Commission announcement](#). Organizations that choose to text information are required to:

- Implement an STP that meets several legal requirements and transfers the information to the electronic health record (EHR).
 - "Secure sign-on process
 - Encrypted messaging
 - Delivery and read receipts
 - Date and time stamp
 - Customized message retention time frames
 - Specified contact list for individuals authorized to receive and record orders"

Required elements

include:

- Establish policies and procedures to assess and security and integrity.
- Confirm texted orders meet certain data capturing requirements (e.g., date, time, authentication).
- Ensure accuracy, promptness, and proper retention of information.

Additionally, [Joint Commission](#) advises organizations to:

- "Develop an attestation documenting the capabilities of their secure text messaging platform.
- Define when text orders are or are not appropriate.
- Monitor how frequently texting is used for orders.
- Assess compliance with texting policies and procedures.
- Develop a risk-management strategy and perform a risk assessment.
- Conduct training for staff, licensed independent practitioners, and other practitioners on applicable policies and procedures."

While there seems to be no official guidance as to how long text orders should be retained outside of the EHR, according to the Joint Commission, information must be transferred to the EHR promptly, and properly retained. The Code of Federal Regulations ([42 CFR §482.24\(b\)\(1\)](#)) states that medical records must be retained in their original or legally reproduced form for a period of at least five years.

The recommendations contained in Ask ECRI do not constitute legal advice. Facilities should consult legal counsel for specific guidance and develop clinical guidance in consultation with their clinical staff.

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