

Consent to Allow Electronic Communication of Protected Health Information via Email

The behavioral information collected and provided by Woog Laboratories Inc., hereinafter referred to as Woog Labs, through its web site and through other electronic means to healthcare professionals, schools and caregivers is provided only at the consent of the patient or authorized caregiver (if the patient is a minor). This information is considered Protected Health Information (PHI) and is subject to federal laws regarding its collection, storage and disclosure.

Federal laws (HIPAA) require specific security measures instituted in order that PHI can be communicated through electronic means. Woog Laboratories, Inc., while not a covered entity under HIPAA regulations, has instituted sufficient measures to allow covered entities to meet these requirements. These measures include password and patient/caregiver ID security for web and email access, limitations on provided PHI based on the identity of those accessing the PHI, access logging and much more. Secure, encrypted communication (HTTPS) is used for all web access to PHI on the Woog Labs web site.

Email/text message entry/replies of behavioral data are not provided through such a secure communication protocol. To date, no standard method of encrypting email transmission is available. Even if such a method existed, by necessity, the email address of the receiver would be contained within the email in non-encrypted form. According to HIPAA regulations, the email address is considered "patient identifiable information" if the recipient is the patient or a family member of the patient. Final HIPAA security rules (2003) permit the transmission of PHI by email but require covered entities to perform a "risk analysis" of the suitability of such transmission based on the risk to inadvertent disclosure within the public Email network. Woog Labs requires the patient or authorized caregiver, if a minor, to consent to such transmission via email before such transmission will be allowed. Woog Labs also requires those caregivers considered covered entities analyze such risk before they communicate through the email system.

Risks

Emails are sent through the public network via a number of server computers located in the path of the destination. One server sends it to another and another until it reaches the destination server. The path is not fixed and will likely change even between subsequent transmissions. If emails are sent from or to a cellular telephone, additional cellular phone network nodes are part of the path. At each node it is possible that someone with ill intent could capture the data passing by and use this data for their own purposes. It is not possible to know if such data capture has occurred. It is Woog Lab's assessment that the risk for users of the behavioral management system is sufficiently low such that the benefits of such transmissions greatly outweigh the risks for the following reasons:

1. No behavioral reporting data from sources other than family members of the Patient contains *any* client identifiable information. From the patient or family members, only their email address is considered client identifiable information.
2. No diagnosis, billing, assessment or treatment information (other than reminder notices and behavioral reporting data) should be ever transmitted via email. While it is possible that a caregiver could include sensitive information via email, our use policy prohibits such use and all caregivers authorized to use this system have agreed to follow our terms of use.
3. No financial information (other than the fictitious account balances) are ever transmitted via email.

4. No patient or caregiver treatment communication (other than reminder notices and behavioral data reporting) should be transmitted through this medium. Our terms of use policy prohibits other such communication.
5. Codes, and not names, are used to identify client and caregivers and transactions when communicated via email.
6. Transaction codes (“allowed transactions”) used to report behavioral data are unique to each patient so codes cannot be cross-referenced to identify actual patient information.
7. Minimal data is sent via this medium.
8. Transactions can be set to allow only communication from authorized email addresses.
9. PIN codes used for authentication of email transmissions. PIN codes cannot be used to provide any Web access to PHI.
10. Billions of email and text message transmissions are sent yearly in the United States.

Potential Damages

If data were to be captured and the patient was to be identified, we see little potential for damage to the patient or their families as the data does not imply any illness, mental or physical. If properly used, it will not disclose any privacy information. However, we request that patients and their caregivers carefully assess the risk of such harm before signing below.

Consent

I hereby authorize Woog Labs to input and disclose certain behavioral health information via email. This consent is subject to revocation by the undersigned at any time except to the extent that action has been taken in reliance hereon, and if not earlier revoked, it shall terminate on the date that subscription to this program is formally ended. Should information disclosed under this consent be disclosed to others by the recipient, it is no longer considered protected health information covered under this consent.

Client Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____