

# Your HIPAA-Compliant Conversation Intelligence & Call Tracking Solution

## Compliance Without Compromise

At Invoca, proper handling of your protected data has always been and will continue to be a top priority. You need your technology providers to treat your data with the utmost care. We hope this guide helps your team navigate the recent HHS bulletin regarding the use of online tracking technologies by HIPAA covered entities and business associates.

## What You Need to Know

On December 1, 2022, the US Department of Health and Human Services (HHS) Office for Civil Rights posted [a bulletin](#) reminding HIPAA regulated entities of their [responsibilities related to using online tracking technologies](#). These technologies could be potentially misused to inappropriately disclose protected health information (PHI) in a way that would violate HIPAA rules.

Invoca takes great care to ensure that patient data is secure and be a partner to our customers - helping them best adhere to the HHS guidelines.



Knowingly obtaining and/or disclosing individually identifiable health information in violation of the Privacy Rule may face a **criminal penalty of up to \$50,000 and up to one-year imprisonment** if the neglect is willful.

## How Invoca Helps Keep You Compliant

- ✔ Routinely signs Business Associate Agreements (BAAs) with customers
- ✔ Can provide prompt notification to customers in the event of a data breach
- ✔ Follows the requirements and standards set forth by our customers of collecting, storing and retrieving data on their behalf
- ✔ Ensures any third-party vendors we utilize for data collection & storage are HIPAA compliant
- ✔ Offers transparent communication around data access, storage, transmittance, and modification
- ✔ Has process and mechanisms to allow for data modification or deletion when a customer or their customers submit a request
- ✔ Not storing and making data accessible in the Invoca platform that is outside of our client's instructions or business needs
- ✔ Provides regular training to all employees on PHI and HIPAA requirements

# Common Questions

*\* "the platform" refers to both the Invoca and DialogTech platforms*

## → **The HHS released a bulletin about the use of online tracking technologies, what changed?**

Nothing material. The guidelines themselves have not changed as the definitions of PHI and what constitutes a HIPAA violation remain the same. In light of some recent infractions, the HHS wanted to highlight how tracking tags can be misused and provide some examples.

## → **Is the platform compliant with the new guidelines set out by the HHS?**

Yes. The platform is HIPAA compliant and follows all guidelines set out by the HHS. There are ways to customize the data flows in and out of the platform that may result in PHI being transmitted. In these scenarios, it is highly recommended to reach out to your account manager to discuss executing a BAA.

## → **Does the platform transmit PHI to third parties?**

It is possible for customers to set up data flows or integrations that may transmit PHI. Invoca will not create a data flow that collects or transmits PHI without the request and knowledge of the customer. We recommend that every customer evaluate the configuration of their platform to ensure that any PHI that may be transmitted is in accordance with the HHS guidance.

## → **In what situations does Invoca recommend having a BAA in place?**

If you are a HIPAA covered entity and PHI may be added to the platform either on a call or via a data flow, we recommend that you sign a BAA with Invoca. We have resources who can help guide you, please contact your account representative to initiate the process.

## → **What's the process to set up a BAA?**

If you need to set up a BAA or check on the status of your BAA with Invoca, please contact your account team and they will assist you. We can provide a BAA template for review or work with your BAA template.

## → **What if I already have a BAA with Invoca and am not sending or receiving any protected data to the platform?**

In this scenario, nothing has changed and the guidance set out by the HHS is being followed.

## → **How can I ensure we are using the platform in a way that complies with the HHS guidelines?**

Invoca recommends regularly reviewing all data being sent to and from your digital properties especially in instances where a new integration or data flow is added. If you are unsure of what data is being passed through the platform, please contact your account team to help initiate an audit of your platform and integrations.

## → **Will number insertion, IVR and routing features operate without a tag manager?**

Yes. Tag managers offer users a simple way to deploy and manage vendor tags, but they are not the only method. Placing the platform's javascript on your web pages is all that is required. Often this can be easily achieved by adding the script to the header of the top-level page template where the tag manager would otherwise be.

## → **Can the platform still provide data on marketing performance measurement if I remove tags from my other vendors?**

Yes. Invoca's in-platform reporting can provide campaign performance and success metrics, as well as conversational insights, even if other tags have been removed.

If you have specific questions regarding how Invoca protects your customer's PHI and how you can ensure HIPAA compliance with us, please contact your account management team or email [success@invoca.com](mailto:success@invoca.com).

