Kids Health First© / Client Brief
May 14, 2025

Topic: Maintenance of voicemail records

Advice: Once you listen to a patient's or parent's voicemail, immediately (i) transcribe the message into the respective patient's medical record, and (ii) notate the record concerning your call back and the details of that discussion. When all of these steps have been completed (and you are satisfied that the transcription is accurate), you can and should delete the voice message. The HIPAA Privacy Rule does not require covered entities to tape or digitally record oral communications, nor retain digitally/tape recorded information *after transcription*. But, if such records are maintained and used to make decisions about the individual, they may meet the definition of "designated record set." See *https://www.hhs.gov/hipaa/for-professionals/faq/369/does-hipaa-require-covered-entities-provide-patients-with-access-to-oral-information/index.html*.

You should, therefore, ensure that any electronic media containing PHI is properly destroyed. If you use a third-party service, this would usually be addressed in the corresponding Business Associate Agreement (BAA). You should also address the retention period of audio files in your medical record retention policy and indicate that, after transcription, the audio file is not part of the designated record set (and is immediately destroyed). [The transcribed or summary of the conversation, if used to make decisions about the patient, would be a part of the designated record set.] This is an important distinction because under the HIPAA Privacy Rule, patients have the right to access their PHI held in a designated record set upon request, including the right to inspect and obtain copies of same.