
Date: September 15th, 2026 DDSD-DDW Numbered Memo 2026-16

To: Developmental Disabilities Waiver Providers Agencies

From: Selina Leyba, Developmental Disabilities Supports Division, Community Programs Bureau Chief *SL*

Subject: Communication of Protected Health Information (PHI)

The purpose of this memo is to clarify the required communication process for Protected Health Information (PHI) between participants, guardians, advocates, Case Managers and all Developmental Disabilities Waiver service providers.

Developmental Disabilities Waiver Service Standards Requirements:

- **Chapter 6.2: IDT Membership and Meeting Participation**
 - All confidential protected health information (HIPAA-sensitive PHI) must be sent through Secure Communication (SCOMM) in THERAP by provider agencies required to maintain Scomm accounts.
- **Chapter 20.1:** HIPAA and HITECH Medical records and individually identifiable health information are collectively defined as “Protected Health Information” (PHI).
 - HIPAA compliance extends to electronic and virtual platforms. All Guardians and individuals must have Scomm included in their assigned privileges if they have a user account
 - All parties must be following the Developmental Disabilities Waiver (DD Waiver) Service Standards regarding communication as it relates to client specific Protected Health Information (PHI).
 - PHI must not be sent through “Text” or any other electronic messaging services other than THERAP by use of Secure Communication (SCOMM).
- **Chapter 20.5.1:** The SCOMM is a Health Insurance Portability and Accountability Act (HIPAA) compliant module used to facilitate the exchange of information similar to electronic mail.
 - The use of SCOMM to communicate with Interdisciplinary Teams (IDT’s), DDSD, Division of Health Improvement (DHI) to share PHI is mandatory.

Unallowable Communication Methods:

- DDSD is aware of “Text” messages sent by participants, advocates or guardians to Case Managers and other service providers. The use of “Text” messages to send PHI is strictly prohibited and is not allowable. DDSD understands unsolicited text messages, including PHI, may be sent to Case Managers and other service providers.

Required Actions When Receiving PHI via Text:

- If Case Managers or service providers receive PHI via text message, they must delete the message and notify the sender that PHI cannot be transmitted via text, and all PHI must be sent through approved methods such as THERAP SCOMMS.

For any questions related to this change, please contact Steven Fernandez via email at Steven.Fernandez@hca.nm.gov or via phone at 505-584-1687.