

DHMH POLICY

<http://dhmh.maryland.gov/pages/op02.aspx>

OFFICE OF THE SECRETARY – CENTRAL SERVICES DIVISION

DHMH POLICY 01.05.07

Version Effective: April 26, 2016

MOBILE DEVICES AND SERVICES

I. EXECUTIVE SUMMARY

The Legislature has granted the Department of Information Technology (DoIT) authority over Executive Branch agencies' acquisitions and use of telecommunications equipment, systems and services pursuant to State Finance and Procurement Article, §3-702, Annotated Code of Maryland. This policy recognizes DoIT's Statewide Policy for Mobile Devices and Services (see IV. REFERENCES) as the authority over DHMH mobile devices use and service, and hereby provides supplemental guidelines and instructions for DHMH headquarters employees and supervisors to ensure compliance with the DoIT policy. Facility CEOs and Health Officers shall develop directives for their units' compliance with the DoIT policy.

The Secretary of DHMH delegates responsibility for the DHMH-HQ Mobile device Program oversight to the Chief of the Central Services Division (CSD). Accordingly, the Chief of CSD shall designate a DHMH Telecommunications Coordinator (DHMH TC) as the individual responsible for managing the DHMH-Headquarters (HQ) mobile device program, and implementing specific program elements by which this policy will be carried out. The director of each DHMH headquarters unit will appoint a Telecommunications Monitor (TM) and submit that individual's name to the DHMH TC in the CSD.

Elements of the mobile device program are explained, including device assignments, proper usage, requests for services, usage review, and safety. Willful violations of this or the State's mobile device policy may result in disciplinary action.

II. BACKGROUND

Mobile devices have proven to be valuable tools for enhancing the efficiency and productivity of some DHMH employees conducting official State business. Because of the cost and potential for abuse, however, the use of mobile devices by DHMH headquarters employees must be controlled as set forth in this and the State's mobile device policies.

This policy version, effective April 26, 2016, supersedes and recodifies DHMH 02.12.05 Cell Phone Policy dated February 2, 2007. The major difference between versions is adding DoIT as part of the authoritative body, and normal routine updating.

Department of Health & Mental Hygiene

OFFICE OF REGULATION AND POLICY COORDINATION (ORPC)

201 West Preston Street - Room 512 - Baltimore Maryland 21201-2301

Phone 410 767-6499 FAX 410 767-6483

III. POLICY STATEMENTS

A. DEFINITIONS.

1. “**DHMH TC**” means a person designated by the Chief of CSD to review all mobile device requests and act as liaison between DHMH headquarters employees and Wireless Services Providers.
2. “**HIPAA**” is the acronym for the Health Insurance Portability and Accountability Act that was passed by Congress in 1996.
3. “**Mobile devices**” include cell phones, personal digital assistants (PDA’s), tablets, air cards, associated accessories, etc. Related services include device service plans, push to talk, and global positioning systems.
4. “**PHI**” is the acronym for Protected Health Information, means under US law any information about health status, provision of health care, or payment for health care that is collected or created by a Covered Entity that can be linked to a specific individual.
5. “**Telecommunications Monitor (TM)**” means an individual designated by a Director of a DHMH Administration or other headquarters unit to monitor and coordinate mobile device matters of that unit with the DHMH TC in CSD.

B. AUTHORITY.

1. The Legislature has granted the DoIT authority over Executive Branch agencies of State government for DoIT to make acquisitions and use of telecommunications equipment, systems and services pursuant to State Finance and Procurement Article, §3-702, Annotated Code of Maryland.
2. DoIT has issued the latest revisions to the Statewide Policy for Mobile Devices and Services, effective February 2, 2010.
3. The Secretary, DHMH, has approval authority for DHMH mobile devices and services and assigns responsibility for mobile device program oversight to the Chief, CSD.
4. The Chief, CSD, shall designate the DHMH TC, the individual responsible for managing the Department's Mobile device program and implementing specific program elements by which this policy will be carried out.

C. APPLICABILITY AND EXCEPTIONS.

1. This policy is applicable to DHMH headquarters units, which for the purpose of this policy consists of all units except DHMH facilities and Local Health Departments (LHDs).

2. The requirements of this policy are applicable to all individuals who are assigned a mobile device.

3. DHMH facilities and LHDs shall develop their own mobile device policies in accordance with the Statewide Mobile Devices and Services Policy.

D. RESPONSIBILITIES.

1. The Administration Unit Director or designee shall be responsible for approving all requests and providing written approval and justification for each mobile device assignments to CSD when submitting mobile device requests to CSD.

2. Administration Unit Directors are responsible for:

a. Ensuring the cost effective use of mobile devices related to their programs.

b. Ensuring that employees within their organizational authority are aware of the provisions of this policy, that compliance by employees is expected, and that intentional, inappropriate or excessive voice or data use may result in disciplinary action. It is also each agency's responsibility to enforce and manage this policy.

c. Requiring that mobile devices are used primarily for official State business.

3. The DHMH Telecommunications Coordinator is responsible for:

a. Reviewing and directing all units' mobile device requests to the Wireless Service Provider. All mobile device acquisitions must be in writing, and approved by the Administration Unit Director, prior to being submitted to CSD.

b. Maintaining a Master List of all mobile device users along with a copy of approved justifications for DHMH Headquarters Units.

c. Performing random reviews of mobile device usage and charges to ensure compliance with the DoIT policy.

d. Submitting and coordinating all discrepancies regarding wireless services or charges to the appropriate vendor for resolution.

e. All mobile devices shall be inventoried, regardless of cost. All mobile devices are considered sensitive items and must be inventoried as stated in the Maryland Department of General Services Inventory Control Manual; Section .04 Definitions - Sensitive Items.

4. Unit Telecommunications Monitors are responsible for:

- a. Maintaining an inventory of the unit's mobile devices, accessories and users. This listing should contain the following: administration/unit, users' name, location, phone number, manufacturer name/model, equipment serial number (ESN), vendor, accessories and account number. This listing must be kept current, with a copy noting any changes forwarded to the DHMH TC in CSD.
 - b. Reviewing mobile device usage and charges monthly for compliance with this policy. As part of the monthly review, TMs are responsible for collecting the applicable charges for excessive voice and data usage from the assigned user.
 - c. Providing assistance to the DHMH TC during random reviews of all mobile devices usage and charges.
 - d. Ensuring that mobile device users read and sign a DHMH-HQ Mobile device Accountability Acceptance and Policy Acknowledgement Form, DHMH 4622, prior to being issued a mobile device, and maintain a completed copy for each mobile device in service.
(http://dhmh.maryland.gov/Pages/sf_csf.aspx click form 4622)
 - e. Ensure activation of Amber Alert on all agency issued mobile devices.
 - f. Reporting all discrepancies regarding mobile device services or charges to the TC.
 - g. Ensuring that a copy of payments (check or receipt) for excessive voice and data use are maintained for all mobile device users.
 - h. Collecting all mobile devices from users upon service termination or equipment replacement, and contacting the DHMH TC for disposition.
5. Employees assigned a Mobile device are responsible for:
- a. Acknowledging in writing that they have read and understand the guidelines of this policy. The "DHMH-HQ Mobile device Accountability Acceptance and Policy Acknowledgement", DHMH 4622, must be completed and signed by all mobile device users when equipment is issued. The form is to be forwarded to the DHMH TC and will be returned when equipment is returned. (http://dhmh.maryland.gov/Pages/sf_csf.aspx click form 4622)
 - b. Using their equipment and services for official State business in a responsible, informed, and safe manner that is consistent with network etiquette, customs and courtesies, safety practices, and all applicable State laws and regulations.
 - c. Securing their mobile device at all times. Lost, stolen or damaged devices should be reported to the Unit TM immediately.

- d. Providing for the replacement or reimbursement cost of lost or damaged State-issued mobile devices.

E. ASSIGNMENT OF MOBILE DEVICES.

1. Assignment of State mobile devices shall be restricted to officials and employees who travel from their assigned work site on State business for a significant part of their normal work day, have a frequent and recurring need to communicate with others while away from their assigned work site, or who must be accessible at all times.
2. Mobile device assignment shall be based strictly on business use by officials and employees where it can be shown that such use will improve efficiency provide an ability to respond in emergencies, and/or enhance safety.
3. The DHMH TC will be notified of any changes in mobile device assignment.
4. When a mobile device is no longer assigned, it must be reported to the DHMH TC to terminate the service.

F. USE OF MOBILE DEVICES.

1. State-issued mobile devices are to be used primarily for official State business. The routine use of State-issued mobile devices for personal voice or data use is highly discouraged. Individuals who are assigned mobile devices shall reimburse the Department for the cost of excessive voice and data usage, using DHMH Form 4623, Excessive Voice and Data Usage Reimbursement Report. (http://dhmh.maryland.gov/Pages/sf_csf.aspx click form 4623)
2. Mobile devices are susceptible to being intercepted, and any information that is transmitted could be misused or stolen. Employees are advised not to discuss or transmit confidential PHI or HIPAA information using mobile devices.

G. REQUESTS FOR MOBILE DEVICE SERVICES.

1. Mobile device services shall be acquired using the open contracts for mobile device services established by the Department of Budget and Management (DBM).
2. An employee must submit a written justification to the Unit's Director through the TM for approval prior to initiating a Wireless Device Request Form.
3. A Wireless Device Request Form must include the unit, name and title of the user, vendor, type of plan, and the justification statement, approval by the Unit Director indicating why a mobile device is needed. The form shall be submitted using this link <http://dhmh.maryland.gov/centralservices/SitePages/Wireless%20Device%20request%20form.aspx> which will automatically submit to DHMH TC in CSD via SharePoint forms.
4. Whenever possible, units shall budget for mobile devices annually.

H. USAGE REVIEW.

1. Each mobile device's usage and charges shall be reviewed monthly by the unit's TM for compliance with this policy. Underutilized devices shall be identified for possible service cancellation.
2. As a part of the monthly review, the TM of each unit shall be responsible for collecting the applicable amount for excessive voice and data usage from the assigned cellular phone user.
3. The Department or CSD may conduct random reviews of mobile device usage and charges to validate the justification. Reviews that indicate justification is no longer valid will be reported through the Telecommunications Monitor to the unit manager before service is discontinued.

I. RULES AND REQUIREMENTS FOR USERS.

1. Use of mobile devices in compliance with applicable laws, regulations and executive orders including:
 - a. Effective May 21, 2009, a driver of a Maryland State vehicle may not use a hand-held cell phone while driving, except in cases of emergency. The policy does not apply to law enforcement officers or operators of authorized emergency vehicles. (See IV REFERENCES: Executive Order 01.01.2009.08)
 - b. Effective October 1, 2009, in Maryland a person may not use a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of a roadway. The statute does not apply to the use of a text messaging device to contact a 9-1-1 system or the use of a global positioning device. (See IV. REFERENCES: Transportation Article, §21-1124.1, Annotated Code of Maryland)
2. If it becomes necessary to use your mobile device while driving, a hands-free device (speaker phone function) must be used.
3. Devices shall be kept secure at all times, for example with personal identification numbers (PINs) or fingerprint readers.
4. Amber Alert shall be activated on text-enabled devices.
5. Certain calls shall be limited to essential use only including:
 - Operated assisted calls
 - Credit card calls
 - Directory assistance (411)
6. Device usage is permitted in the event of emergencies. User should dial 9-1-1 or other local emergency numbers in case of fire, traffic accident or medical emergencies.

7. In addition to the requirements of any section of this policy, employees shall use safe practices while driving, for example:

- Whenever practical, pull over and park to make or answer a call
- Limit call time and make calls only when you are stopped or before pulling into traffic
- Tell the person with whom you are speaking that you are driving
- Assess traffic and weather conditions, only make or answer a call when conditions are safe; suspend calls in heavy traffic or harsh weather conditions.

IV. REFERENCES

- Annotated Code of Maryland
- State Finance and Procurement Article, §3A-401.
http://mgaleg.maryland.gov/2016rs/statute_google/gsf/3a-401.pdf
- Transportation Article, §21-1124.1.
<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=qtr§ion=21-1124.1&ext=html&session=2016RS&tab=subject5>
- DoIT's Statewide Policy for Mobile Devices and Services
<http://doit.maryland.gov/contracts/Pages/MDSHomepage.aspx> Click MDS Statewide Policy at the bottom
- DHMH Excessive Voice and Data Usage Reimbursement Form
http://dhmh.maryland.gov/Pages/sf_csf.aspx click form 2623
- DHMH Lost or Damaged Mobile Device Reimbursement Form
http://dhmh.maryland.gov/Pages/sf_csf.aspx click form 4623A (NOTE: In the process of adding form 4623A to Standard forms page)
- DHMH Cell Phone Accountability Acceptance and Policy Acknowledgement Form.
http://dhmh.maryland.gov/Pages/sf_csf.aspx click form 4622
- Executive Order 01.01.2009.08 - Hands-Free Cell Phone Use Policy
<http://dbm.maryland.gov/Pages/FleetManagementServices.aspx> click Hands-Free Cell Phone Use Policy

APPROVED:



Van T. Mitchell, Secretary

April 26, 2016
Effective Date