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# COMMUNICATING WITH PATIENTS VIA EMAIL

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The asynchronous nature of email has made it a convenient way for patients and physicians to communicate. Both benefit from the ability to transmit and receive information according to their own schedules. As all exchanges are written (and thus instantly documented) there may be the potential for fewer communication errors and greater information retention on the part of patients. There are many potential uses for email in the medical office including:

- Follow up and clarification following appointments.
- Providing instructions regarding medications and signs and symptoms to watch for.
- Transmitting education materials.
- Sending referral information.
- Relaying test results or the notice of their availability.
- Appointment reminders.
- Refill requests.
- Generally enhancing traditional communication.

Email is ubiquitous and because patients are used to having the ability to communicate electronically with other service providers, it is no surprise that they want the ability to communicate with their healthcare providers via email as well. While there are many benefits to this type of communication, it is also important to remember that the asynchrony of email, while increasing convenience, may also increase risk.

As with websites, there is the potential for the inadvertent creation of a treatment relationship through email. People are eager to communicate with medical experts and email has made it much easier for them to make those contacts. Particularly if a psychiatrist is affiliated with an academic institution, it may be very easy for someone to obtain that psychiatrist's email address. Care must be given in replying to unsolicited emails so as not to give the impression that medical advice is being given. Another potential problem along these same lines is the potential for practicing medicine without a license if the person contacting the psychiatrist is located in a state in which the psychiatrist does not hold a license. Treatment is deemed to occur where the patient is physically located at the time it occurs. Practicing without a license is deemed a criminal act in many states which may preclude insurance coverage should a claim be filed against the physician for advice given.

Email is also susceptible to confidentiality breaches. Even if you take precautions to encrypt email, it may still be easily read by others. For example, if you receive a message from a patient, how do you know that it is really from the patient and not a family member or other individual with access to your patient's computer who is trying to learn about your patient's health status? In addition, emails sent to a patient's place of business are subject to being read by employers monitoring email accounts. Remember too that portable devices you may be using such as smart phones can be easily lost or stolen and extra security measures are needed to protect patient information.

While email is relatively safe for the largely administrative uses discussed above, care should be taken when engaging in actual treatment of a patient via email. It is not uncommon for patients to want to use email in order to avoid a trip to the psychiatrist's office (and the attendant co-payment) particularly if they must travel large distances. While it might be acceptable to utilize email for brief status updates, email should be used only to supplement more personal encounters rather than to replace them. (See AMA Ethics Opinion 5.026 The Use of Electronic Mail).

Other risks associated with the use of email relate to internal policies and procedures within the medical office. There must be mechanisms in place to ensure that messages are properly routed and responded to in a timely fashion. Remember also, that email messages should be made part of the patient's medical record and maintained just as you would any other type of patient data.

### **Risk Management Suggestions**

- Only use email with established patients. If an email is received from a non-patient, a polite standard response advising the writer that you do not address such matters via email and inviting them to make an appointment in your office is appropriate.
- Determine whether email use is appropriate for each individual patient.
- Do not send emails to a patient's workplace.
- Have a low threshold for in-person follow-up with a patient.
- Address security and privacy issues, including compliance with HIPAA's Security and Privacy Rules. Specific security measures for electronic patient information include, but are not limited to, password protection on devices and email security, e.g., encryption.
- Have clear email policies and guidelines, including what issues may be addressed using email (e.g., prescription refill requests, appointment confirmations) and what issues may not be addressed using email (e.g., reports of adverse reactions to medication, medical emergencies, etc.).
- Ensure that you are complying with applicable guidelines from state medical boards and professional associations such as the AMA. The AMA has an excellent resource, *Guidelines for Physician-Patient Electronic Communications* available via its website, [www.ama-assn.org](http://www.ama-assn.org), that you may wish to review.

- Set up policies within your office for handling email. These might include:
  - Establishing a response time for messages and coverage during weekends, holidays, etc.
  - A method to triage messages to ensure that they are directed to the correct member of the office staff.
  - Procedures for copying emails to patient charts.
- Remember to never give a patient highly sensitive or serious news via email.
- Exercise extreme caution if sending group emails to avoid listing the names of other recipients.
- Consider configuring the system so that patients must utilize a password to send or receive email and so that patients must send confirmation of receipt of emails sent by your office.
- Ask the patient to sign a consent form acknowledging the benefits, potential risks and limitations regarding the use of email. If you are using unencrypted email, the patient should specifically be told of the potential risk of breach and asked to acknowledge his/her consent to its use. This should be periodically updated to confirm patient's continued comfort with its use and to confirm patient's preferred email address. (One example of such a form is attached). Consider also including:
  - A statement reminding the patient that it is his/her responsibility to advise the practice of email address changes.
  - A statement that the patient's consent to email communication will remain in effect until revoked in writing.
  - Acknowledgement that email communications will become a permanent part of the patient's medical record.
  - Acknowledgement that email communication is not to be used as a substitute for an in-office visit.

*The following is a model form to be used with patients before communicating via email. The form should be modified to accurately reflect your desired uses and office practices. Just as you will want your patient to abide by the terms set forth therein, remember that you and your staff will be responsible for following them as well.*

## **SAMPLE EMAIL CONSENT AND GUIDE TO EMAIL USE**

As a supplement to your in-office appointments, I am inviting you to use email to communicate with my practice. Set forth below are policies outlining when and how email should be utilized to maintain your privacy and to enhance communication as well as a place for you to acknowledge your consent to its use. Your decision to utilize email is strictly voluntary and your consent may be rescinded at any time. Email will be accessed by Dr. \_\_\_\_\_ or a staff member \_\_\_\_\_ (specify when/how often email will be accessed). You may expect any required response \_\_\_\_\_ (indicate expected response time).

### **When may I use email to communicate with Dr. \_\_\_\_\_?**

Email may be used to (list allowed uses)

Example:

- Prescription refill requests
- Appointment requests
- Other matters not requiring an immediate response

### **When should I NOT use email to communicate with Dr. \_\_\_\_\_?**

Email should never be used (list unacceptable uses)

Example:

- In an emergency
- If you are experiencing any desire to harm yourself or others
- If you are experiencing a severe medication reaction
- If you need an immediate response

### **What are the advantages to using email?**

- Unlike trading voicemail messages, email allows you to see exactly the question the doctor is responding to and to have a written record of that exchange for future reference.
- Email allows for the rapid transmission of forms or other paperwork such as information regarding your medications/condition

### **What are the risks of using email?**

Risks of communicating via email include but are not limited to:

- Email may be seen by unintended viewers if addressed incorrectly
- Email may be intercepted by hackers and redistributed

- Someone posing as you could access your information.
- Email can be used to spread computer viruses
- There is a risk that emails may not be received by either party in a timely matter as it may be caught by junk/spam filters
- Emails are discoverable in litigation and may be used as evidence in court.
- Emails can be circulated and stored by unintended recipients
- Statements made via email may be misunderstood thus creating miscommunication and/or negatively affecting treatment
- There may be an unanticipated time delay between messages being sent and received

### **What happens to my messages?**

- Emails will be printed out and maintained as a permanent part of your medical record
- As part of your permanent record, they will be released along with the rest of the record upon your authorization or when the doctor is otherwise legally required to do so.
- Messages may be seen by staff for the purpose of filing or carrying out requests (e.g., appointment scheduling) or when Dr. \_\_\_\_\_ is away from the office.

### **What are my obligations?**

- I must let Dr. \_\_\_\_\_ know immediately if my email address changes.
- If I do not receive a response from Dr. \_\_\_\_\_ in the time frame indicated (state expected response time), I will contact him/her by telephone if a response is needed.
- I will use email communication only for the purposes stated above.
- I will advise Dr. \_\_\_\_\_ in writing should I decide that I would prefer not to continue communicating via email
- I understand that email may only be used to supplement my appointments with Dr. \_\_\_\_\_ and not as a substitute for them.
- To avoid possible confusion, I will not use internet slang or short-hand when communicating via email

### **What steps has Dr. \_\_\_\_\_ taken to protect the privacy of my email communications?**

Dr. \_\_\_\_\_ (list steps taken)

Example:

- Has installed software for encrypting email messages (Note: if you are not using encrypted email, you should indicate this clearly.)
- Set up a password protected screen-saver on his computer
- Educated staff on the appropriate use and protection of email
- Does not access patient email from public Wi-Fi hotspots
- Does not allow family members access to his personal work computer
- Will not transmit highly sensitive information via email
- Will not forward patient email to third-parties without your express consent
- Will verify email addresses before sending messages.

**What steps can I take to protect my privacy?**

- Do not use your work computer to communicate with Dr. \_\_\_\_\_ as your employer has a right to inspect emails sent through the company’s system.
- Do not use a shared email account to transmit messages.
- Log out of your email account if you will be away from your computer.
- Carefully check the address before hitting “send” to ensure that you are sending your message to the intended receiver.
- Avoid writing or reading emails on a mobile device in a public place.
- Avoid accessing email on a public Wi-Fi hotspot.
- Make certain that your email is signed with your first and last name and include your telephone number and date of birth to avoid possible mix up with patients with same or similar names.

**CONSENT TO EMAIL USE**

By signing below, I consent to the use of email communication between myself/\_\_\_\_\_ (name of patient) and Dr. \_\_\_\_\_. I recognize that there are risks to its use, and despite Dr. \_\_\_\_\_’s best efforts, he/she cannot absolutely guarantee confidentiality. I understand and accept those risks and the policies for email use outlined in the form. I further agree to follow these policies and agree that should I fail do so, Dr. \_\_\_\_\_ may cease to allow me to use email to communicate with him/her. I also understand that I may withdraw my consent to communicate via email at any time by notifying Dr. \_\_\_\_\_ in writing.

\_\_\_\_\_  
Name of Patient/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Patient/Guardian

\_\_\_\_\_  
Email Address

Compliments of:



Call (800) 245-333  
Email TheProgram@prms.com  
Visit us www.psychprogram.com  
Twitter @PsychProgram

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