

PHYSICIAN-PATIENT E-MAIL COMMUNICATION

CONSENT FORM – June 2008

Benefits of communicating through e-mail

By allowing e-mail communication, some benefits to both the Patient and Physician include:

- Physician contact with external health care providers (i.e. specialists, physiotherapists, labs, etc.) regarding medical information
- Physician-Patient contact regarding:
 - Preventative health care reminders
 - Appointment reminders
- Patient-Physician communication

Risks of using e-mail

The Physician offers patients the opportunity to communicate by e-mail. Transmitting patient information poses several risks of which the patient should be aware. The patient should not agree to communicate with the physician via e-mail without understanding and accepting these risks. ***The risks include, but are not limited to, the following:***

- The privacy and security of e-mail communication cannot be guaranteed.
- Employers and online services may have a legal right to inspect and keep e-mails that pass through their system.
- E-mail is easier to falsify than handwritten or signed hard copies. In addition, it is impossible to verify the true identity of the sender, or to ensure that only the recipient can read the e-mail once it has been sent.
- E-mails can introduce viruses into a computer system, and potentially damage or disrupt the computer.
- E-mail can be forwarded, intercepted, circulated, stored or even changed without the knowledge or permission of the Physician or the patient. E-mail senders can easily misaddress an e-mail, resulting in it being sent to many unintended and unknown recipients.
- E-mail is indelible. Even after the sender and recipient have deleted their copies of the e-mail, back-up copies may exist on a computer or in cyberspace.
- Use of e-mail to discuss sensitive information can increase the risk of such information being disclosed to third parties.
- E-mail can be used as evidence in court.

Conditions of using e-mail

The Physician will use reasonable means to protect the security and confidentiality of e-mail information sent and received. However, because of the risks outlined above, the Physician cannot guarantee the security and confidentiality of e-mail communication, and will not be liable for improper disclosure of confidential information that is not the direct result of intentional misconduct of the Physician. Thus, patients must consent to the use of e-mail for patient information. ***Consent to the use of e-mail includes agreement with the following conditions:***

- E-mails to or from the patient concerning diagnosis or treatment may be printed in full and made part of the patients medical record. Because they are part of the medical record, other individuals authorized to access the medical record, such as staff and billing personnel, will have access to those e-mails.

- The Physician may forward e-mails internally to the Physician's staff and to those involved, as necessary, for diagnosis, treatment, reimbursement, health care operations, and other handling. The Physician, will not however, forward e-mails to independent, non-medical, third parties without the patients prior written consent, except as authorized or required by law.
- Although the Physician will endeavor to read and respond promptly to an e-mail from the patient, **the Physician cannot guarantee that any particular e-mail will be read and responded to within any particular period of time. Thus, the patient should not use e-mail for medical emergencies or other time-sensitive matters.**
- E-mail communication is not an appropriate substitute for clinical examinations. The patient is responsible for following up on the Physicians e-mail and for scheduling appointments, where warranted.
- If the patients e-mail requires or invites a response from the Physician and the patient has not received a response within a

reasonable time period, it is the patient's responsibility to follow-up to determine whether the intended recipient received the e-mail and when the recipient will respond.

- The patient should not use e-mail for communication regarding sensitive medical information, such as a diagnosis or a topic such as sexually transmitted disease, AIDS/HIV, mental health, developmental disability, or substance abuse. Similarly, the Physician will not discuss such matters over e-mail.
- The patient is responsible for informing the Physician of any types of information the patient does not want to be sent by e-mail, in addition to those set out in the bullet above. **Such information that the patient does not want communicated over e-mail includes:**

The patient can add to or modify this list at any time by notifying the Physician in writing.

- The Physician is not responsible for information loss due to technical failures.

Instructions for communication by e-mail

To communicate by e-mail, the patient shall:

- Limit or avoid use of an employer's computer.
- Inform the Physician of any changes in patients e-mail address.
- Include in the e-mail: the category of the communication in the e-mail's subject line, for routing purposes (e.g., 'prescription renewal'); and the name of the patient in the body of the e-mail.
- Review the e-mail to make sure it is clear and that all relevant information is provided before sending to the Physician.
- Inform the Physician that the patient received an e-mail sent by the Physician.
- Take precautions to preserve the confidentiality of e-mails, such as using screen savers and safeguarding computer passwords.
- Withdraw consent only by e-mail or written communication to the Physician.
- **Should the patient require immediate assistance, or if the patient's condition appears serious or rapidly worsens, the patient should not rely on e-mail. Rather, the patient should call the Physician's office for consultation or an appointment, visit the Physician's office or take other measures, as appropriate.**