

CONSENT FOR E-COMMUNICATION by E-MAIL and TEXT MESSAGING (SMS)

Introduction

- The HIPAA Privacy Rule permits healthcare providers to use e-mail to discuss health issues and treatment with their patients, provided they apply reasonable safeguards when doing so.
- The HIPAA Security Rule can also apply when e-mailing with patients. For example, out of the Standards described above, Access Control, Integrity, and Transmission Security can be applied to ensure the security of electronic Personal Health Information/ ePHI when transmitted via e-mail. Each of these Standards ensures that the information contained within the e-mail is adequately protected. The use of encryption or 2-way data identification may enhance security of transmission of confidential information.
- Some companies offer what they call "HIPAA-Compliant E-mail" services. In general, these products purport HIPAA Security because they a) encrypt the e-mails and b) send the e-mail through a secure channel according to the Standards.
- Most of the above suggestions on e-mailing with patients also apply to text messaging (SMS), where applicable. It should be noted that, while a text message cannot be encrypted, there are third party vendors that offer so-called "HIPAA-compliant" text messaging services, which address the Person or Entity Authentication and the Transmission Security standards of the Security Rule.
- Often times, these companies store personal information and may even contact patients for commercial purposes. We, therefore, consider that any interference with ePHI of such a third party may negatively impact the trust in communication we develop with our patients. Eventually, we decided to avoid any 3rd party interference with our communication with patient. We use the current office e-mail and main phone number as the means of interacting during and beyond business hours.

Purpose, Content and Structure of E-mail

- E-mail follow-up allows retention and clarification of advice provided in The Office. Often patients under the duress of illness forget to ask important questions. Selfcare instructions might not be fully understood or retained. E-mail creates a written record that removes doubt as to what information was conveyed.
- E-mail is especially useful for information the patient would have to commit to writing if it were given orally. Examples include addresses and telephone numbers of other facilities to which the patient is referred; test results with interpretation and advice; instructions on how to take medications or use additional supplements or OTC medications/ devices; instructions on how and where to find other providers in medical/ mental health field; and other forms of patient education. Some frequently used educational handouts can be ported to an e-mailer template or formatted for the provider's home page on the World Wide Web.
- E-mail messages can embed links to educational materials and other resources on the Office's Web site or on external sites. In some electronic mail applications, clicking on a "live" universal resource locator (URL) link inside a mail message launches a web browser and takes the user directly to the indicated resource.
- Our Office cannot offer other methods of contacting us via use of electronic communication besides those mentioned above.
- For the safety of patient-provider communication, our Office only uses our website and e-mail address. Please avoid contacting our staff via social media such as Twitter, FaceBook, Instagram etc. We do not answer to such requests.

Advantages of Email

Over the past few years, we have found several advantages of using email in clinical practice.

- **Convenience and workflow efficiency.** Email cuts down on "phone tag" and overall time spent on the phone, since we can often address concerns more rapidly by email. Messages can be sent at the doctor's convenience and read at the patient's convenience, making it a win-win for both parties. For example, the letter for the Family doctor or a copy of lab requests can easily be sent out via e-mail.
- **Enhanced privacy.** Ironically, given the common worry about privacy breaches with email, such communication often *improves* a patient's ability to communicate with us privately. Patients who are at work or in other public settings are uncomfortable having a phone call about their mental health issues, but reading and responding to emails is discrete. It can be a good way for patients to broach more sensitive topics. Initiating a discussion over email provides a sense of safety and distance and can increase comfort about having a more thorough discussion at the patient's next appointment. However, see the caveat below about protecting patient privacy in accordance with HIPAA regulations.
- **Enhanced communication of clinical information.** When we provide medication instructions via email, we use a Mental Health Handout format that patients can refer to several times if needed, increasing their understanding and adherence. Based on our experience, electronic communication is ideal for sending lab results, medication handouts, referral lists to specialists, handouts detailing relaxation and sleep hygiene techniques, and for receiving and responding to prescription refill requests.
- **More efficient appointment management.** We usually send out a text reminder the day before the appointment. But sometimes we use email for appointment reminders and to check in with patients after missed appointments. Re-scheduling office visits can be more efficiently addressed in e-mail/ txt messaging.
- **Communication with partners in delivering health care.** All data needed to pick up the medications from participating pharmacies or for local delivery can only be transmitted via electronic communication. Referrals from and to other medical practitioners has been performed in similar format. Transmission of other data such as medical records follows the same format.
- **Medical Insurances and Billing.** Several patients with Out of Network privileges need to have special forms completed and transmitted to the respective insurance for re-imbursement. Others receive information's in their mail directly from the insurance and we have to clarify it in the Office. The use e-mail integrates these processes more efficiently.

_____ Please initial here, confirming that you have read, you understand and agree with each section of this page.



- **Fax integration into the e-mail.** Communication with participating pharmacies via e-fax would not be possible without integrating it into the e-mail. Your medications' Prior Authorizations can be addressed faster in consequence.
- **Public Health Emergencies.** The most current COVID-19 safety rules and regulations have elevated the remote human-to-human communications to unprecedented levels. Distant transfer of health-related information decreases the risk of human exposure to pathogenic agents. We care for your safety. Therefore, we follow local/ state and federal health instructions' protocols for assuring a secure communication with our patients by use of TelePsychiatry services.

Risks associated with email communications include:

- Health information on the Internet for persons, patients, and caregivers is rarely regulated.
- The privacy and security of email communication cannot be guaranteed.
- Employers and online services may have a legal right to inspect and keep emails passing through their systems.
- Emails can be intercepted, forwarded, circulated, stored or even changed without the knowledge or permission of either the sender or recipient.
- Copies of an email may continue to exist, even after reasonable efforts to delete the email have been made.
- Someone other than me may send an email in my name, and this impersonation may not be detected by the recipient.
- Email may carry computer viruses that may damage computer data or software or disclose my information against my wishes.
- Email may be accidentally sent to an unintended recipient, or to many such recipients.
- Email may be disclosed to third parties or to the public, regardless of the intentions of the receiver or sender.

Key considerations about our website health information, texting (SMS) and e-mail.

- Our website, birceamd.com offers general information about the doctor, the location, services offered and a direct contact modality. It does not offer counseling and neither education for any psychiatric condition. These aspects can only be addressed during the visit in personalized format, adapted to specific conditions.
- We will verify the identity of the person on the other end of the receiving technology (i.e., if using secure e-mail or messaging applications).
- We are very cautious about privacy/confidentiality issues, as well as about use of new digital communication from one user to another user using standard protocols (i.e., e-mail, SMS text messaging, multiple messaging service (MMS) messaging, and instant messaging.) We avoid communications via proprietary networks (e.g., Twitter direct messages, Facebook Messenger), which are not secure like many electronic health records (EHR) messaging solutions.
- Requests for other contact between visits (e.g., texts, e-mails) with asynchronous modalities is good for some things (e.g., answering yes/no questions, trading a piece of information), but not other things (i.e., emergencies, complex decisions).
- We use e-mail, text, instant messaging mainly for patients who maintain a close follow-up.

By signing below, I acknowledge that:

- I fully understand and accept the terms and provisions mentioned above.
- I authorize the release of any medical or other information necessary to process insurance claims.
- I understand and accept that there are risks, as well as advantages associated with the use electronic communications, as mentioned above.

Patient's Name (Please Print) _____ **Date:** _____

Signature of Responsible Party

Printed Name

Sources: op.nysed.gov/prof/mhp/mhpcaretelepracticealert.htm; hhs.gov