



E-Mail & the Pediatric Practice

By David A. Sobel, Ph.D.

Many of us use e-mail to communicate with friends, family, and professional colleagues. But using e-mail to communicate with patients — or with the parents of patients — is an altogether different matter.

The informality of this medium often leads physicians to believe that using e-mail with patients is relatively easy, safe, and technologically sound providing that physicians establish good policies and that they educate their staff about these policies.

For pediatricians there are several advantages to using e-mail with patients and their parents. There are also considerable risks.

The biggest risk is that e-mail may be sent to an unintended recipient thereby resulting in an unauthorized disclosure of protected health information.

If you are planning to use e-mail to communicate with your patients and patients' parents, you may want to follow these steps:

1. Discuss with your staff how you would like to use e-mail and how you would not like use e-mail. By limiting your use at the outset you will be able to ascertain the amount of interest in using e-mail and the kind of traffic you'll receive.
2. After developing a good work-in-progress, meet with your legal counsel and seek her advice on this issue. Find out what is and what is not permissible under both state and federal law. Also, find out how long you need to retain e-mails. E-mails are records and state laws often cover records. Finally, discuss with your counsel the advantages of using this medium and the risks, as well as what steps you need to take to mitigate identified risks.
3. Write and adopt a formal organizational policy on the use of e-mail. Among other topics, your policy needs to address what

can and what cannot be sent via e-mail; who will be provided with e-mail accounts and their respective responsibilities; how e-mails will become part of a permanent medical record; and what security measures such as encryption will be used to ensure the availability, integrity, and confidentiality of e-mail messages.

4. Before you begin using e-mail, conduct an in-service program on creating new e-mail, using the subject field, forwarding e-mail, marking e-mails for future reference, and deleting. Regardless of what people say, don't assume that everyone on your staff knows how to use this medium. In my experience, this is an overlooked issue that often results in breaches of confidentiality.
5. Keep in mind that parents' e-mail addresses may be issued by their employers. Also keep in mind that most corporate e-mail policies make it clear to employees that their e-mail is not private; that is, employers can read and delete employee e-mails. Knowing the nature of corporate policies, do you really want to send laboratory test results to a parent where people in Information Systems and others have access to all e-mails?
6. Create a separate policy statement or add a section regarding the use of e-mail to your Notice of Privacy Practices. In addition, obtain from parents and minors a signed statement of consent authorizing you to use e-mail as a means of communication.
7. Let parents and minors know what is acceptable and what is not acceptable. Let them also know what they can reasonably expect regarding response times. And, let them know that e-mail is not to be used for emergencies.
8. Let minors know exactly how you will communicate with them via e-mail. This is a particularly sensitive area and needs to be thought-out both by you and by your patients.
9. Understand that no matter how secure your systems, events occur and e-mails find their way to unintended recipients. This is a major reason why it is so important to decide how you want to use e-mail.

10. Three to four months after initiating the use of e-mail, evaluate its effectiveness and adjust your policy and set of procedures.

My strongest recommendations are twofold: 1) start out slowly with prescription refills and/or appointments, and 2) do not include information that pertains to mental health, HIV/AIDS, genetic testing or genetic counseling.

To sum up, if you are going to use e-mail to communicate with patients and their parents, use it wisely. Don't be lulled into a false sense of security by an easy-to-use and popular technology.

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