



Children's Hospital of The King's Daughters, Inc.
601 Children's Lane, Norfolk, VA 23507-1910

**PATIENT/HEALTH CARE PROVIDER
E-MAIL/TEXTING CONSENT**

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Patient Label or MRN, Acct#, Patient Name, DOB, Date of Service

1. RISKS OF USING E-MAIL AND TEXT MESSAGING

CHKDHS and CSG offer patients/parents/legal guardians the opportunity to communicate by e-mail or text messaging. Using e-mail to discuss patient information, however, is different than phone messaging. Text messaging is not to be used to convey medical information or to discuss medical conditions. E-mail and/or text message communication has a number of possible risks that patients/parents/legal guardians should consider before using e-mail or text messaging. If the patient/parent/legal guardian is worried about any information being seen by other people, or if the question or problem is urgent, then other form(s) of communication such as telephone communication should be used. Some of the possible risks of using e-mail or text messaging include, but are not limited to, the following:

- a. E-mail information or text messages can be sent on to other people, stored on a computer, or printed out on paper for storage.
- b. E-mail or text messages can be sent out and received by many recipients, some or all of whom may be sent the e-mail accidentally.
- c. E-mail or text message senders can easily misaddress their message.
- d. E-mail or text message information is easier to change than handwritten or signed documents.
- e. E-mail or text message information may be kept on computers/electronic devices even after the sender or the recipient believes they deleted his or her copy.
- f. Employers and on-line services have a right to archive (store) and look at e-mails/text messages transmitted through their systems. Some, but not all, employers store e-mail/text messages indefinitely.
- g. E-mail/text messages can occasionally be intercepted, changed, forwarded, or used without authorization or detection.
- h. E-mail or text messages can be used to introduce viruses into computer systems.
- i. E-mail or text messages can be used as evidence in court.

2. CONDITIONS FOR THE USE OF E-MAIL AND TEXT MESSAGING

The health care providers will use reasonable means to protect the security and confidentiality of e-mail/text message information sent and received. However, because of the risks outlined above, the health care providers cannot guarantee the security and confidentiality (privacy) of e-mail/text messaging communication, and **will not be liable** for improper use and/or disclosure of confidential information (including Protected Health Information (PHI) that is the subject of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA)). Thus, the patient/parent/legal guardian must consent to the use of e-mail for patient information. Consent to the use of e-mail/text messaging includes agreement with the following Conditions:

- a. E-mails to or from the patient/parent legal guardian concerning diagnosis or treatment will be printed out and/or made part of the patient's medical record. Because they are then a part of the medical record, other individuals who are authorized to view the medical record, such as staff and billing workforce members, will also have access to those e-mails.
- b. The health care providers may forward e-mails/text messages internally to other staff or agents of the health care providers/their practice as necessary for diagnosis, treatment, reimbursement, and other operations. The health care providers will not, however, forward e-mail or text messages to independent third parties outside of CHKDHS or CSG who are not involved with the patient's treatment, reimbursement, or otherwise involved in their care, without the patient/parent/legal guardian's prior written consent, except as authorized or required by law. The health care providers may possibly forward e-mail/text messages to other health care providers participating in the patient's care.
- c. Although the health care providers will try to read and respond quickly to an e-mail or text message from the patient/parent/legal guardian, the health care providers cannot guarantee that any particular e-mail will be read and responded to within any particular period of time. The usual period of time is less than one (1) business day, but it may take up to a week or longer if the person to whom the e-mail is sent is away or if the e-mail system is not working. Thus, the patient/parent/legal guardian **should not use e-mail for medical emergencies or other matters that have to be handled quickly**.
- d. Text messages are used by health care providers for appointment reminders or to share more generic information. When text messages are sent by a patient/parent/legal guardian there should not be an expectation of a response from the health care provider.
- e. If the patient/parent legal guardian's e-mail requires or invites a response from the health care provider, and the patient/parent/legal guardian has not received a response within a reasonable time period, it is the patient//parent/

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legal guardian’s responsibility to call the practice in order to determine whether the intended recipient received the e-mail and when the recipient will respond. As an alternative, the patient/parent/legal guardian can discuss the issue by telephone.

- f. The patient/parent/legal guardian should not use e-mail or text messages to discuss any subjects that the patient/parent/legal guardian feels should be kept confidential, such as sensitive medical information regarding sexually transmitted diseases, AIDS/HIV, mental health, developmental disability, or substance abuse.
- g. Where applicable, there may be a provider charge for the time necessary to respond to the e-mail.
- h. The patient/parent/legal guardian is responsible for protecting his/her password or other means of access to e-mail or text messaging. The health care provider or his/her practice is not liable for information that is read by other people through errors caused by the patient/parent/legal guardian or any third party.
- i. The health care provider or his/her practice cannot engage in e-mail or text message communication that is unlawful, such as practicing medicine across state lines.
- j. If through e-mail or text message communication, the health care provider determines that an office or hospital visit is necessary to address the problem, or if the patient/parent/legal guardian wants to have such a visit, it is the patient/parent legal guardian’s responsibility to schedule the appointment.

3. INSTRUCTIONS

To communicate by e-mail or text message, the patient/parent legal guardian is advised to:

- a. Limit or avoid use of his/her employer’s computer. Information is often stored on the employers system and can be read by people within that organization.
- b. Inform the health care provider/practice of changes in e-mail or text messaging addresses.
- c. Help the health care provider and/or practice ensure that they are communicating about the right person, put the patient’s full name and date of birth in the body of the **first** e-mail message to the provider and/or practice and **not** in the subject line.
- d. In order for the e-mail to be forwarded to the proper person, include the category of the communication in the e-mail’s subject line, (e.g., “I have a laboratory test question”). For instance, a billing question sent to the doctor may be forwarded to the practice manager.
- e. Review the e-mail or text message to make sure it is clear and that all needed information is provided before sending to the health care provider and/or practice.
- f. E-mails from health care providers will be encrypted. The first time you receive an email you will get a notice email from ZixCorp and you will have to set up your user name and password with them. This user name and password will be required to access the first and all future emails.
- g. Take precautions to preserve the confidentiality of e-mails or text messages, such as using screen savers and safeguarding computer passwords.
- h. Withdraw consent only by e-mail or written communication to the health care provider and/or practice.
- i. Contact the health care provider and/or practice at their provided telephone number with any questions about using e-mail or text messaging. This should be done before sending an e-mail to the health care provider and/or practice.

4. PATIENT ACKNOWLEDGMENT AND AGREEMENT

I acknowledge that I have read and fully understand the information the health care provider and/or practice has provided me regarding the risks of using e-mail or text messaging. I understand the risks associated with the communication of e-mail or text messages between the health care provider and/or practice and me, and consent to the Conditions outlined. In addition, I agree to the above instructions, as well as any other instructions that the health care provider and/or practice may impose regarding e-mail or text message communications.

E-mail address: _____ Cell phone number for texting: _____

Print Name: _____ Relationship to Patient: _____

Signature: _____ Date: _____ Time: _____

Witness Signature: _____ print name: _____ Date: _____ Time: _____

Office use only:

| | | |
|-------------------------------------------------------|-------------|-------------|
| Second Witness Signature (verbal consent only): _____ | Date: _____ | Time: _____ |
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