

## SAMPLE

### Guidelines for electronic communications (email) with patients

It is recommended that guidelines be developed for appropriate use and management of email. The Texas Medical Board (TMB) rules state, “Written policies and procedures must be maintained when using electronic mail for physician-patient communications.”<sup>1</sup> The following is a sample policy and procedure:

#### **Policy**

When requested, this office will communicate some forms of information via email. This medium will be used with an eye towards medical and legal prudence.

#### **Procedure**

1. Email communications will only be used with established patients.
2. Patients who elect to use email must be advised of this office’s email policy and sign an informed consent (see attached).
3. A copy of the consent will be given to the patient and a copy filed in the patient medical record.
4. Patient information in the email includes: patient name, identification number, and type of transaction.
5. Email communications are restricted to conditions and situations that do not require immediate attention (see consent).
6. Automatic reply to all incoming messages will state: “Your message has been received by [your practice name]. We will attempt to process your request within one business day. If you need immediate assistance, please call the office at [your phone number].”
7. Email communications are a permanent part of the patient medical record. They should be retained in the paper record and/or electronically, consistent with the Texas medical records retention rules. <http://www.tmb.state.tx.us/rules/rules/bdrules.php>
8. Turnaround time. The [insert job title] is responsible for checking and routing incoming email on a [insert time frame, such as daily basis]. (If triage is involved this should be an employee with a clinical background.)
9. When a patient request has been completed, the staff member responsible for completing that task will be responsible for sending a confirmation message to the patient.
10. As with any form of medical record documentation, unprofessional remarks or comments in email communications are prohibited.
11. Confidentiality of patient information will be maintained at all times to protect the integrity of patient-identifiable information.
12. When sending patient information via email, the sender is expected to double-check all “To” fields before transmitting.
13. Maintaining a master list of patients email addresses is discouraged.
14. Outgoing messages will contain discreet subject headers and a banner at the top of each message stating, “This is confidential medical communication.”
15. Each desktop workstation will have a password protected screen saver.
16. Email will be backed up [at least weekly] onto [long-term storage medium].
17. The [insert job title] will activate the out-of-office assistant any time the email account will not be serviced by the staff or covering physicians during an absence that exceeds the established email response time.

*All articles and any forms, checklists, guidelines and materials are for generalized information only, and should not be reviewed or referred to as primary legal sources nor construed as establishing medical standards of care for the purposes of litigation, including expert testimony. They are intended as resources to be selectively used and always adapted – with the advice of the organization’s attorney – to meet state, local, individual organizations and department needs or requirements. They are distributed with the understanding that neither Texas Medical Liability Trust nor Texas Medical Insurance Company is engaged in rendering legal services.*

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1. Texas Medical Board. Texas Medical Board Rules. Page 72.

Available at [http://www.tmb.state.tx.us/rules/docs/Board\\_Rules\\_Effective\\_11\\_30\\_09.doc](http://www.tmb.state.tx.us/rules/docs/Board_Rules_Effective_11_30_09.doc). Accessed January 8, 2010.