



PATIENT CONSENT FOR USE OF ELECTRONIC MAIL

1. RISK OF USING E-MAIL

Delaware Institute for Reproductive Medicine, PA (DIRM) offers patients the opportunity to communicate with clinicians by e-mail. DIRM uses a secure mail system that automatically encrypts, blocks and/or re-routes outbound email and documents based on centrally defined policies. This ensures compliance with government and industry privacy and security mandates including HIPAA, GLBA, SOX, FISMA and PCI. Transmitting patient information by e-mail, however, has several risks that patients should consider before giving consent. These risks include, but are not limited to:

- a. E-mail can be circulated, forwarded, and stored in numerous paper and electronic files.
- b. E-mail can be immediately broadcast worldwide and be received by both intended and unintended recipients.
- c. E-mail senders can misaddress e-mail.
- d. E-mail can be more easily falsified than handwritten or signed documents.
- e. Backup copies of e-mail may exist even after the sender or the recipient has deleted his or her copy.
- f. Employers and on-line services have a right to archive and inspect e-mails transmitted through their systems.
- g. E-mail can be intercepted, altered, forwarded, or used without authorization or detection.
- h. E-mail can be used to introduce viruses into computer systems.
- i. E-mail can be used as evidence in court.

2. CONDITIONS FOR THE USE OF E-MAIL

DIRM will use reasonable means to protect the security and confidentiality of e-mail information sent and received. However, because of the risks outlined above, DIRM cannot guarantee the security and confidentiality of e-mail communication and will not be liable for improper disclosure of confidential information that is not caused by Provider's intentional misconduct. 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:

- a. All e-mails to or from the patient concerning diagnosis or treatment will be printed out and made part of the patient's medical record. Because they are a 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.

- b. DIRM may forward e-mails internally to DIRM's staff and agents as necessary for diagnosis, treatment, reimbursement, and other handling. DIRM will not, however, forward emails to independent third parties without the patient's prior written consent, except as authorized or required by law.
- c. Although DIRM will endeavor to read and respond promptly to e-mail from the patient, DIRM cannot guarantee that any e-mail will be read and responded to within any particular period. Thus, the patient shall not use e-mail for medical emergencies or other time-sensitive matters.
- d. If the patient's e-mail requires or invites a response from DIRM, and the patient has not received a response within a reasonable time, 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.
- e. The patient should not use e-mail for communication regarding sensitive medical information, such as information regarding sexually transmitted diseases, AIDS/HIV, mental health, issues of abuse, developmental disability, or substance abuse.
- f. The patient is responsible for informing DIRM of any types of information the patient does not want to be sent by e-mail, in addition to those set out in (e) above.
- g. The patient is responsible for protecting his/her password or other means of access to e-mail. DIRM is not liable for breaches of confidentiality caused by the patient or any third party.
- h. DIRM shall not engage in e-mail communication that is unlawful, such as unlawfully practicing medicine across state lines. It is the patient's responsibility to follow up and/or schedule an appointment if warranted.

3. INSTRUCTIONS

To communicate by e-mail, the patient shall:

- a. Limit or avoid use of his/her employer's computer.
- b. Inform DIRM of changes in his/her e-mail address.
- c. Put his/her name in the body of the e-mail.
- d. Include the category of the communication in the e-mail's subject line, for routing purposes (e.g., billing questions).
- e. Review the e-mail to make sure it is clear, and that all relevant information is provided before sending to the Provider.
- f. Inform DIRM that the patient received e-mail from DIRM.
- g. Take precautions to preserve the confidentiality of e-mails, such as using screen savers and safeguarding his/her computer password.
- h. Withdraw consent only by e-mail or written communication to the Provider.