



EMAIL CONSENT AND GUIDELINES

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As a supplement to your in-office appointments, Dr. Heermann is inviting you to use email to communicate with our practice. You should recognize, however, that as with all forms of communication, especially electronic communication, privacy cannot be assured. Set forth below are policies outlining when and how email should be utilized to reduce the risk to your privacy and to enhance communication as well as a place for you to acknowledge your consent to its use. Your decision to utilize email is strictly voluntary and your consent may be rescinded at any time. Barring emergencies or other unusual circumstances, e-mail will be accessed by Dr. Heermann or a staff member at least once daily during normal business hours. You may expect any required response within 24 business hours after your email is accessed.

When may I use email to communicate with Dr. Heermann?

Email may be used for:

- Prescription refill requests
- Appointment scheduling
- Non-urgent advice or questions
 - When in doubt, please err on the side of assuming that your problem is urgent.
- Other matters not requiring an immediate response

When should I NOT use email to communicate with Dr. Heermann?

Email should never be used:

- In an emergency or in any circumstance that you think might constitute an emergency
- If you are experiencing any desire to harm yourself or others
- If you are experiencing a severe or concerning medication reaction
- If you think you may need an immediate response (i.e. sooner than 24 business hours after your email is accessed)

What happens to my messages?

- Emails will be saved and maintained as a permanent part of your medical record
- As part of your permanent record, they may be released along with the rest of the record upon your authorization or when the doctor is otherwise legally required to do so.
- Messages may be seen by staff for the purpose of filing or carrying out requests (e.g., appointment scheduling) or when Dr. Heermann is away from the office.

What are the advantages to using email?

- Unlike trading voicemail messages, email allows you to see exactly the question the doctor is responding to and to have a written record of that exchange for future reference.
- Email allows for the rapid transmission of forms or other paperwork such as information regarding your treatment or condition
- Email allows Dr. Heermann to share patient handouts and other valuable resources (websites, e.g.) that you can then utilize for easy future reference

- We provide links to other sites deemed to present information of value as a convenience to patients. SynerGenius Telepresence, however, is not responsible for the accuracy or currency of the information offered there, which may change at any time without notice to it, nor for the privacy practices of the owners of the site. You link to any such site at your own risk.
- Email allows Dr. Heermann to provide you a summary of your treatment plan after every visit, to improve your understanding of the plan and the reasons for her recommendations, to provide a mechanism for follow-up questions if needed, and to allow easy future reference.

What are the risks of using email?

Risks of communicating via email include but are not limited to the following:

- Email may be seen by unintended viewers if addressed incorrectly
- Email may be intercepted by hackers and redistributed
- Someone posing as you could access your information.
- Email can be used to spread computer viruses
- There is a risk that emails may not be received by either party in a timely matter as, for example, it may be caught by junk/spam filters
- Emails are discoverable in litigation and may be used as evidence in court.
- Emails can be circulated and stored by unintended recipients
- Statements made via email may be misunderstood, thus creating miscommunication and/or negatively affecting treatment
- There may be an unanticipated time delay between messages being sent and received, which could result in a worsening of your problem(s)
- Email does not permit Dr. Heermann to see you or to hear your voice, and she may thus be denied information that could be important to diagnosis

What are my obligations?

- I must let Dr. Heermann know immediately if my email address changes.
- If I do not receive a response from Dr. Heermann in the time frame indicated (within 24 business hours after your email is accessed), I will contact her by telephone if a response is needed.
- I will use email communication only for the purposes stated above.
- I will not use email to transmit discriminatory, harassing, sexually oriented, offensive or other illegal or improper messages or to attempt to download malware or unlawful or damaging software onto the SynerGenius Telepresence system.
- I will advise Dr. Heermann in writing should I decide that I would prefer not to continue communicating via email
- I understand that email may only be used to supplement my appointments with Dr. Heermann and not as a substitute for them.

What steps can I take to protect my privacy?

- Do not use your work computer to communicate with Dr. Heermann as your employer has a right to inspect emails sent through the company's system.
- Do not use a shared email account to transmit messages.

- Log out of your email account if you will be away from your computer.
- Carefully check the address before hitting “send” to ensure that you are sending your message to the intended receiver.
- Avoid writing or reading emails on a mobile device in a public place.
- Avoid accessing email on a public Wi-Fi hotspot.
- Make certain that your email is signed with your first and last name and include your telephone number and date of birth to avoid possible mix up with patients with same or similar names.

What steps has Dr. Heermann taken to protect the privacy of my email communications?

Dr. Heermann has:

- Has subscribed to an electronic health record (EHR) which provides secure email services within the patient portal.
 - This EHR has signed a HIPAA Business Associate Agreement with Dr. Heermann’s practice.
 - This EHR provides end-to-end encryption for the patient portal secure email system
- Set up a password protected screen-saver on her computer
- Educated staff on the appropriate use and protection of email
- Does not allow family members access to her personal work computer
- Determined that she will not forward patient email to third-parties without your express consent

Detailed discussion of email communication options at SynerGenius including their advantages and disadvantages:

- Within the patient portal section of your electronic medical record, SynerGenius has provided end-to-end encryption for an email system that we encourage you to use. “Encryption” is the process of converting information or data into a code, especially to prevent unauthorized access. We recommend that, when you wish to engage with Dr. Heermann through email, you use our encryption tool.
- Email allows you to communicate conveniently with Dr. Heermann, and she with you. The nature of communications between yourself and Dr. Heermann, however, is deeply personal and profoundly private. If an unauthorized person manages to obtain information of the kinds we exchange, it could cause both you and her considerable harm. Even apart from its content, the very fact of the communication is your business and hers, not anyone else’s. SynerGenius is acutely aware of and conscientious about protecting your privacy. Therefore, we strongly recommend that you utilize our encryption system in an effort to minimize security risks to your private information. While no form of communication, including electronic communication, is risk-free, in the present state of the technology encryption is the best, most secure way to protect the privacy of the information we share with each other via email. You deserve that protection, and should take advantage of it.
- SynerGenius is also aware of countervailing considerations, however—reasons to decline to use encryption. That is, just as no communication system is perfectly effective, none is without disadvantages. When you seek care through SynerGenius, we first obtain your informed consent, by telling you about both benefits and risks and letting you decide what to do. In the same way, SynerGenius wants you to be aware not only of the benefits, but also of the risks, of encryption. Both deserve consideration. Some patients, for example, have expressed concern that having to create additional accounts and passwords for the portal, as well as needing to log into an external site to view each message with the doctor, is time-consuming and cumbersome. SynerGenius is concerned that the perceived obstacles to highly protected communications could discourage patients from seeking care they badly need.

- The point above is concerned with encryption-related delays that could arise because of the extra steps patients must take to use it. But patient factors are not the only way by which encryption can cause delays. Encryption can create obstacles for Dr. Heermann, too. Depending on Dr. Heermann's physical location at the time of her patient's message, and whether she is near an appropriate computer system to access these encrypted communications, she may be unable to communicate as quickly with a patient as she can with unencrypted email.
- Based on her clinical experience, Dr. Heermann is also concerned that, if the additional time and effort required to navigate the portal system does discourage some patients from reaching out for assistance, those patients might then go, perhaps for extended times, without needed support or information about their medical care. Such an interruption in care could cause some patients to attempt self-treatment or to rely on less-accurate, and so riskier, sources of medical information, such as the Internet. Not only could this chain of events delay much needed treatment, it could make a bad situation even worse, with potentially negative, possibly even grave, results. This could also make patients simply suffer longer than necessary by waiting until their scheduled appointments to present their questions or concerns, rather than getting help much faster, often through a relatively simple solution available through email.
- As a busy clinician with many responsibilities, Dr. Heermann cannot respond immediately to every patient communication. She tries, nevertheless, to reply as quickly as reasonably possible to patient questions and requests. Email is almost always much faster than telephone communication during the clinic day, since email can be more easily addressed "on the fly," such as between patient appointments, for example. Hence, Dr. Heermann encourages you to use email to contact her and, again, urges you to do so through the encryption tool that SynerGenius provides. Because of the real drawbacks of the encrypted email system available through the patient portal, however, Dr. Heermann does offer an alternative email system that can be accessed directly from the patient's email, one that does NOT offer end-to-end encryption.
- Dr. Heermann has subscribed to a secure email service which has signed a HIPAA Business Associate Agreement with Dr. Heermann's practice. This Agreement is a contract under which the second service promises to take reasonable, legally required steps to protect the privacy of your records. The Agreement, which is legally enforceable, does provide significant protection for your records, but protection nevertheless distinctly inferior to that provided with encryption. Additional information about the security features of this alternative, less secure email program can be found here: <https://services.google.com/fh/files/blogs/btd-sec-op-2014-grey.pdf>.
- Because messages transmitted through this second system are not encrypted, Dr. Heermann must warn you that the security and privacy of such messages, either before they arrive at or once they leave her secured system, are less well-protected than when you encrypt. That is, if you decide to use the second system, you and we face greater risk that some unauthorized person might learn of our relationship and of the contents of our communications. Patients who utilize the alternate email system must understand and acknowledge these risks, and accept all responsibility for any security breaches, data loss, or interception of their private medical information.

CONSENT TO EMAIL USE

By signing below, I consent to the use of email communication between myself/ _____ (name of patient) and Dr. Heermann. I recognize that there are risks to its use, and despite Dr. Heermann’s best efforts, she cannot absolutely guarantee confidentiality. I understand and accept those risks and the policies for email use outlined in the form. I further agree to follow these policies and agree that should I fail do so, Dr. Heermann may cease to allow me to use email to communicate with her. I also understand that I may withdraw my consent to communicate via email at any time by notifying Dr. Heermann in writing.

Name of Patient/Guardian

Date

Signature of Patient/Guardian

Email Address