



SAN JOSE GASTROENTEROLOGY

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E-MAIL CONSENT POLICY

San Jose Gastroenterology provides patients the opportunity to communicate with their physicians, other healthcare providers, and administrative services by e-mail. Transmitting confidential patient information by e-mail, however, has a number of risks, both general and specific, that patients should consider before using e-mail.

Risk Factors

Among general e-mail risks are the following:

- E-mail can be immediately broadcast worldwide and be received by many intended and unintended recipients.
- Recipients can forward e-mail messages to other recipients without the original sender(s) permission or knowledge.
- Users can easily misaddress an e-mail.
- E-mail is easier to falsify than handwritten or signed documents.
- Backup copies of e-mail may exist even after the sender or the recipient has deleted his or her copy.

Among specific patient e-mail risks are the following:

- E-mail containing information pertaining to a patient(s) diagnosis and/or treatment must be included in the patient(s) medical records. Thus, all individuals who have access to the medical record will have access to the e-mail messages.
- Employees do not have an expectation of privacy in e-mail they send or receive at their place of employment. Thus, patients who send or receive e-mail from their place of employment risk having their employer read their e-mail.
- If employers or others, such as insurance companies, read an employee(s) e-mail and learn of medical treatment, particularly mental health, sexually transmitted diseases, or alcohol and drug abuse information, they may discriminate against the employee/patient. For example, they may fire the employee, not promote the employee, deny insurance coverage, and the like. In addition, the employee could suffer social stigma from the disclosure of such information.
- Patients have no way of anticipating how soon San Jose Gastroenterology and its employees and agent will respond to a particular e-mail. Although San Jose Gastroenterology and its employees and agents will endeavor to read and respond to e-mail promptly, San Jose Gastroenterology cannot guarantee that any particular e-mail message will be read and responded to within any particular period of time. Physicians, nurses, and other health care workers rarely have time during rounds, surgery, consultations, appointments, staff meetings, meetings away from the facility, and meetings with patients and their families to continually monitor whether they have received e-mail. Thus, patients should not use e-mail in a medical emergency.

Conditions for the Use of E-mail

It is the policy of San Jose Gastroenterology that all e-mail messages sent or received that concern the diagnosis or treatment of a patient part of that patient(s) medical record and will treat such e-mail messages with the same degree of confidentiality as afforded other portions of the medical record. San Jose Gastroenterology will use reasonable means to protect the security and confidentiality of e-mail information. Because of the risks

outlined above, San Jose Gastroenterology cannot, however, guarantee the security and confidentiality of e-mail communication.

Thus, patients must consent to the use of e-mail for confidential medical information after having been informed of the above risks. Consent to the use of e-mail includes agreement with the following conditions:

- All e-mails to or from the patient concerning diagnosis and/or treatment will be made a part of the patient(s) medical record. As a part of the medical record, other individuals, such as other physicians, nurses, physical therapists, patient accounts personnel, and the like, and other entities, such as other healthcare providers and insurers, will have access to e-mail messages contained in medical records.
- San Jose Gastroenterology may forward e-mail messages within the facility as necessary for diagnosis, treatment, and reimbursement. San Jose Gastroenterology will not, however, forward the e-mail outside the facility without the consent of the patient or as required by law.
- If the patient sends an e-mail to San Jose Gastroenterology, one of its physicians, another healthcare provider, or an administrative department, San Jose Gastroenterology will endeavor to read the e-mail promptly and respond promptly, if warranted. However, San Jose Gastroenterology can provide no assurance that the recipient of a particular e-mail will read the e-mail message promptly. **Because San Jose Gastroenterology cannot assure patients that recipients will read e-mail messages promptly, patients must not use e-mail in a medical emergency.**
- If a patient(s) e-mail requires or invites a response, and the recipient does not respond within a reasonable time, the patient is responsible for following up to determine whether the intended recipient received the e-mail and when the recipient will respond.
- Because some medical information is so sensitive that unauthorized disclosure can be very damaging, **patients should not use e-mail for communications concerning diagnosis or treatment of AIDS/HIV infection; other sexually transmissible or communicable diseases, such as syphilis, gonorrhea, herpes, and the like; mental health or developmental disability; or alcohol and drug abuse.**
- Because employees do not have a right of privacy in their employer(s) e-mail system, patients should not use their employer(s) e-mail system to transmit or receive confidential medical information.
- San Jose Gastroenterology cannot guarantee that electronic communications will be private. San Jose Gastroenterology will take reasonable steps to protect the confidentiality of patient e-mail but is not liable for improper disclosure of confidential information not caused by San Jose Gastroenterology's gross negligence or wanton misconduct.
- If the patient consents to the use of e-mail, he/she is responsible for informing San Jose Gastroenterology of any types of information the patient does not want to be sent by e-mail other than those set out in paragraph 3, above.
- Patient is responsible for protecting his/her password or other means of access to e-mail sent or received from San Jose Gastroenterology to protect confidentiality. San Jose Gastroenterology is not liable for breaches of confidentiality caused by patient.

TERMINATION OF THE E-MAIL RELATIONSHIP

- **Any further use of e-mail by the patient that discusses diagnosis or treatment by the patient constitutes informed consent to the foregoing.** You may withdraw consent to the use of e-mail at any

time by e-mail or written communication to San Jose Gastroenterology, attention: Privacy Officer.

HOLD HARMLESS

I agree to indemnify and hold harmless San Jose Gastroenterology and its trustees, officers, directors, employees, agents, information providers and suppliers and website designers and maintainers from and against all losses, expenses, damages and costs, including reasonable attorney's fees, relating to or arising from any information loss due to technical failure, my use of the internet to communicate with the Provider or the use of Provider's web-site, any arrangements you make based on information obtained at the Site, any products or services obtained through the Site, and any breach by me of these restrictions and conditions. The Provider does not warrant that the functions contained in any materials provided will be uninterrupted or error-free, that defects will be corrected, or that the Provider's website or server that makes such site available is free of viruses or other harmful components.



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**PATIENT ACKNOWLEDGEMENT AND AGREEMENT
E-MAIL CONSENT POLICY**

Physician/ Provider's Name (please print)

Patient's Name (please print)

Patient's e-mail address

Patient's phone number

I have discussed with the Provider or his/her representative and I acknowledge that I have read and fully understand this consent form. I understand the risks associated with the communication of e-mail between the Provider and me, and consent to the conditions herein. In addition, I agree to the instructions outlined herein, as well as any other instructions that Provider may impose to communicate with patients by e-mail. Any questions I may have had were answered.

Patient signature

Date

Please fill in all requested fields and email this form back to contact@sjgi.com or fax to 408-347-9004 to acknowledge that you've read and understood the terms of this consent form to be contact via email with San Jose Gastroenterology.