

## The Doctor Will “E” You Now

*Technology is catching on, particularly with doctors who have computer software ready to go from their first day of practice. Established doctors also are beginning to host websites and use appointment scheduling technology for their patients’ convenience and to meet marketplace demands.*

Many doctors now include forms on their websites for patients to download and complete before their visits. Also, sophisticated scheduling and appointment software enables patients to schedule appointments online—when it’s convenient for them—within the parameters the doctor has set.

While the convenience of instant communications can be a boon for health care providers, there are some risks. Patients tend to have close relationships with their physicians, so it’s only natural that they would want to send their doctors a quick email, especially after-hours when the office is closed. However, as easy as it might be to fire off a quick reply, think twice before hitting the “send” button.

Due to the casual nature of email communications combined with the fact that physicians do not receive payment for responding, some doctors may hastily answer email questions or simply delete them unread. Either approach is not advisable. First, not responding may be perceived as a lack of concern by the doctor. This can be a significant issue because any delay or lack of response potentially can lead to litigation. In addition, if the problem is a serious one, the doctor has an ethical responsibility, if not a legal one, to assist the person appropriately.

Second, while it is a good idea to respond in some fashion, answering an email too quickly can result in misunderstandings and increase your practice risk. Email communication is not the same as communication in your office. Of course, confusion can occur in face-to-face doctor/patient interactions as well, but in person, the doctor has the opportunity to respond to any non-verbal messages. In addition, electronic messages can be misdirected or intercepted by unintended parties, so there are no assurances of confidentiality.

If an email message is misunderstood, there is an unexpected outcome or the patient’s privacy is violated, an allegation of malpractice may occur. Consider that an email creates a written, reproducible and dated document that can become evidence against you in a malpractice case. And your email exchanges—even those that are “casual” in nature—could be blown up and presented before a jury on a 10’ by 10’ screen after the context of the commentary has been long forgotten.

If a patient asks via email about a new health issue or a flare up of an existing condition, it’s a good idea to have the patient make an appointment to be seen in your office as soon as possible. If it’s an emergency, the patient should be advised to call 911. As always, documentation is recommended, so print off a copy of the online conversation and place it in the patient’s paper or electronic record.

Ideally, email consultations should take place only within the context of a previously established doctor/patient relationship. However, the unprecedented popularity of medical websites has made it easy for non-patients to send emails to physicians.

The non-patient may ask general health questions or even describe their symptoms and expect treatment suggestions in return. Similar to current patients, it is best to ask the person to make an appointment or call 911, if it’s an emergency. Maintain a helpful tone, but don’t give advice. Those who do may establish a doctor/patient relationship if a person relies on the advice, creating a duty to the “patient.”

With the continual growth of instant communications tools—such as email, text messaging and instant messaging—people are beginning to expect prompt responses. Consequently, the time is now to protect your practice from this growing risk. Contact our risk management department at 1-888-336-2642 or [riskmanagement@psicinsurance.com](mailto:riskmanagement@psicinsurance.com) for assistance and more information.

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