

Risk Tip: Email and Communications

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 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.

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