

TEXTING/EMAIL INFORMED CONSENT AND USER AGREEMENT – CONSUMER COPY

Communication Options:

Ionia County Community Mental Health Authority (ICCMHA) provides consumers the opportunity to communicate with ICCMHA by email or text message. Transmitting confidential patient information by email or text, however, has a number of risks, both general and specific, that patients should consider.

EMAIL

General email risks:

- Email can be immediately broadcast worldwide and be received by many intended and unintended people.
- People can forward email messages to others without the original sender's permission or knowledge.
- People can easily misaddress an email.
- Email is easier to falsify than handwritten or signed documents.
- Backup copies of email may exist even after the sender or the recipient has deleted his or her copy.

Specific patient email risks:

- Email containing information pertaining to a consumer's diagnosis and/or treatment may be included in the consumer's medical or financial records. Thus, all people who have access to the medical record or financial record will have access to the email messages.
- Consumers who send or receive email from their place of employment risk having their employer read their email.
- Employers or others, such as insurance companies, can read an employee's email and learn of medical treatment, particularly mental health, sexually transmitted diseases, or alcohol and drug abuse information, they may discriminate against the employee/patient.
- Consumers have no way of anticipating how soon ICCMHA and its employees and agents will respond to a particular email message. Although ICCMHA employees will endeavor to read and respond to email promptly, ICCMHA cannot guarantee that any particular email message will be read and responded to within any particular period of time. ICCMHA's employees and agents may be traveling, be engaged in other duties, or be on a vacation or a break and therefore be unable to continually monitor whether they have received email. **Thus, consumers should not use email in a mental health or other emergency.**

TEXT MESSAGING

General Text Messaging Risks:

- Messages that are meant to be private are subject to prying eyes. Thus, others may learn about your health information.
- Digital "phishing" may cost some cell phone users their identity, thereby resulting in identity theft. A text message that appears to come from a bank or another financial institution may really be a way for scammers to get important private information. When the users respond to the text message, they give the scammer all the information needed to wipe their accounts clean.
- People can forward text messages to other people without the original sender's permission or knowledge.

Specific Text Messaging Risks:

- Text messages containing information pertaining to a consumer's diagnosis and/or treatment may be included in the consumer's medical or financial records. Thus, all individuals who have access to the medical record or financial record will have access to the text messages.
- If you send text messages on an employer owned cell phone, you cannot expect that your text messages are private. Thus, consumers who send or receive text messages from their employer owned phone risk having their employer read their text messages.
- Employers or others, such as insurance companies, can read an employee's texts and learn of medical treatment, particularly mental health, sexually transmitted diseases, or alcohol and drug abuse information, they may discriminate against the employee/patient.
- Consumers have no way of anticipating how soon ICCMHA and its employees and agents will respond to a particular text message. Although ICCMHA and its employees will endeavor to read and respond to text messages promptly, ICCMHA cannot guarantee that any particular text message will be read and responded to within any particular period of time. ICCMHA's employees may be traveling, be engaged in other duties, or be on a vacation or a break and therefore be unable to continually monitor whether they have received a text message. **Thus, patients should not use text messaging in a mental health or other emergency.**

Texting Services. ICCMHA will provide the following services, although we reserve the right to offer further services:

- Scheduling of appointments.
- Alerts (need for an appointment, date/time of an appointment, and so forth).

Prohibited Texting Services. Proper medical practice and legal requirements prohibit ICCMHA from performing certain services through texting, such as the following:

1. Emergency services. Consumers who need emergency care should physically go to an emergency department or an urgent care facility or simply dial 911 or call the 24/7 crisis line. **Note that text messages may not be read promptly and should never be used in an emergency.**
2. Diagnosis and treatment decisions. Such services require the clinician/physician to actually see the consumer and often also to obtain a medical history and order diagnostic tests.

ICCMHA provides texting services as a courtesy for our consumers and does not charge a service fee. If, however, patients misuse the texting opportunity, we reserve the right to terminate those patients' texting privileges or otherwise modify the services offered through texting.

Conditions for the Use of Text Messaging and/or Email:

- It is the policy of ICCMHA to make all email or text messages sent or received that concern the protected health information ("PHI"), defined as individually identifiable health information that includes medical, financial, demographic, and lifestyle information, part of the consumer's medical, financial, or other records, and ICCMHA will treat such email or text messages with the same degree of confidentiality as afforded other portions of the medical record. ICCMHA will use reasonable means to protect the security and confidentiality of email or text information. Because of the risks outlined above, ICCMHA cannot, however, guarantee the security and confidentiality of email and/or text message communications.
- Thus, consumers must consent to the use of email and/or text messaging for confidential medical information after having been informed of the above risks. Consent to the use of email and/or text messaging includes agreement with the following conditions:
 1. All emails or text messages to or from consumers concerning diagnosis and/or treatment will be made a part of the consumer's records. As a part of the medical record or other records, other individuals, such as other physicians, nurses, physical therapists, patient accounts personnel, and the like, and other entities, such as other health care providers and insurers, may have access to email or text messages contained in medical records.
 2. ICCMHA may forward email or text messages within the facility as necessary for diagnosis, treatment, and reimbursement. ICCMHA will not, however, forward the email or text message outside the facility without the consent of the consumer or as required by law.
 3. If the consumer sends an email or text to ICCMHA, one of its employees will endeavor to read it promptly and to respond promptly, if warranted. ICCMHA, however, can provide no assurance that the recipient of a particular email or text message will read the message promptly. **Because ICCMHA cannot assure consumers that recipients will read messages promptly, consumers must not use email or text messaging in a mental health or other emergency.**
 4. If a consumer's email or text message requires or invites a response, and the recipient does not respond within a reasonable time, the consumer is responsible for following up to determine whether the intended recipient has received the message and when the recipient will respond.
 5. Because some medical information is so sensitive that unauthorized disclosure can be very damaging, **consumers should not use email or text message for communications concerning diagnosis or treatment of the following: 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.**
 6. In the case that an employer owns your phone or email you do not have a right of privacy, thus consumers should not use their employer's email system or phone to transmit or receive confidential medical information.
 7. ICCMHA cannot guarantee that email and text communications will be private. ICCMHA will take reasonable steps to protect the confidentiality of consumer email and text messages, but ICCMHA is not liable for improper disclosure of confidential information not caused by ICCMHA's gross negligence or wanton misconduct.
 8. If the consumer consents to the use of email and/or text messaging, the consumer is responsible for informing ICCMHA of any types of information that the consumer does not want to be sent by email or text message other than those set out above.
 9. You are responsible for protecting your password or other means of access to email or text message sent or received from ICCMHA to protect confidentiality. ICCMHA is not liable for breaches of confidentiality caused by the consumer.
 10. **Any further use of email or text message by the consumer that discusses diagnosis or treatment by the patient constitutes informed consent to the foregoing.**

Withdrawing Consent:

You may withdraw consent to the future use of email or text at any time by informing an agency employee verbally or in writing.