

LEGAL Q&A

Q Does HIPAA allow health care providers to use email with their patients?

A Health care providers may communicate electronically (such as through email) with their patients, but must apply reasonable safeguards when doing so. If your practice uses email to transmit Electronic Patient Health Information, it must ensure that the transmission is compliant with HIPAA technical safeguards. Alternatively, you may limit email communications to out-bound communications only, such as practice announcements, general health education, or appointment reminders.

Even if no EPHI is communicated by email, you should take measures to avoid unintended disclosures. Consider sending a test email to the patient for address confirmation. While HIPAA doesn't prohibit the use of unencrypted email with patients, safeguards should be applied to protect patient privacy, such as limiting the amount or type of information disclosed in the unencrypted email.

An individual has the right under HIPAA to request that you communicate by email if it would be reasonable for the health care provider to do so. Conversely, if a patient does not want information sent via unencrypted email, other means of communication must be used (e.g., phone, mail or encrypted email).



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