

Client Waiver of Email Encryption

Safeguards for Email and Phone Communication:

While the Privacy Rule does not prohibit the use of unencrypted e-mail for treatment-related communications between health care providers and patients, other safeguards should be applied to reasonably protect privacy, such as limiting the amount or type of information disclosed through the unencrypted e-mail. In addition, covered entities will want to ensure that any transmission of electronic protected health information is in compliance with the HIPAA Security Rule requirements at 45 C.F.R. Part 164, Subpart C.

Note that an individual has the right under the Privacy Rule to request and have a covered health care provider communicate with him or her by alternative means or at alternative locations, if reasonable. See 45 C.F.R. § 164.522(b). For example, a health care provider should accommodate an individual's request to receive appointment reminders via e-mail, rather than on a postcard, if e-mail is a reasonable, alternative means for that provider to communicate with the patient. By the same token, however, if the use of unencrypted e-mail is unacceptable to a patient who requests confidential communications, other means of communicating with the patient, such as by more secure electronic methods, or by mail or telephone, should be offered and accommodated.

Patients may initiate communications with a provider using e-mail. If this situation occurs, the health care provider can assume (unless the patient has explicitly stated otherwise) that e-mail communications are acceptable to the individual. If the provider feels the patient may not be aware of the possible risks of using unencrypted e-mail, or has concerns about potential liability, the provider can alert the patient of those risks, and let the patient decide whether to continue e-mail communications.

Check the box next to each agreement that you are willing to make:

I, _____ understand and acknowledge that if I send or receive email to or from nathaniel@nathanielsmithcounselor.com, those email exchanges are unencrypted. I consent to send and receive email from nathaniel@nathanielsmithcounselor.com and acknowledge that such exchanges are acceptable to me as a means of communication. I furthermore agree not to send email with emotional content. We will communicate about session times, scheduling, and reasonable requests for changes on the session calendar.

I, _____ agree not to send texts to Nathaniel Smith's mobile phone at #214-205-0237. I understand that if I do send a text to this number, I implicitly and explicitly waive my rights to private and secure communications in each instance.

I, _____ understand and acknowledge that if I set up a phone session with Nathaniel Smith for counseling services or to discuss scheduling, these calls will exist on billing phone logs. I understand that the content of our phone sessions will be private, but I understand also that the record of the call itself exists on a phone log.

I, _____ request an alternate means of communication. Please contact
me here: _____ by way of: _____

Nathaniel Smith

Client