

Communications via SMS text messaging

The Medical Council's Guide to Professional Conduct and Ethics for Registered Medical Practitioners, 9th Edition, 2024 (available on the Medical Council website) provides clear guidelines in relation to maintaining patient confidentiality and this should always be observed when communicating with patients. A doctor should protect a patient's privacy and ensure that patient information in their control is protected against improper disclosure, access or loss.

Under data protection legislation, persons are required to register details with the Data Protection Commissioner if they process data relating to the physical or mental health of identifiable individuals. Doctors are data controllers in relation to their patients' medical records. Registration can be completed online on the website of the Office of the Data Protection Commissioner. Further guidance on data protection is available from HSE and ICGP websites.

SMS Text messages

Doctors are responsible for processing data about their patients and must ensure adequate security measures are in place before sensitive personal information is processed. While sending of text or SMS messages to patients may seem to be an efficient and appealing means of communication, difficulties can arise if sending confidential information in this manner, as text messages can be read by people other than the intended recipients and phone numbers may have changed.

It is, therefore, advisable to restrict messages by text to matters which are non-clinical, such as appointment reminders or notification that non-specific test results are available. It is also advisable not to give the patient's name or identifiers in the message so that if it is delivered to the incorrect phone, the person receiving it does not know who the message was intended for. As with all communications with a patient it is advisable that you include details of all text messages on the patient's chart. Most health service provider software texting platforms will facilitate this efficiently. It is not recommended to text from a doctor's personal mobile phone.

A patient has a right to determine for himself / herself when, how, and to what extent information about him / her is communicated to others. **It is, therefore, essential to obtain informed consent in advance from your patients to communication by means of text messages.** Consent should be explicit, verbal and / or written, and obtained prior to sending texts. Consent should be recorded in the patient's medical file.

Consent will need to be renewed if the manner in which you communicate with the patient changes significantly and /or the content and purposes for which you use text messages changes. If a patient gives consent, they should be advised to inform the practice of any changes to their contact details.

Considerations when sending text messages to patients:

The Medical Council is currently silent on text messaging. The need to obtain consent and protect confidentiality, are foremost when texting patients. Although guidance for general practitioners, you may find the ICGP *Text Messages in Irish General Practice* (2018) useful. . It sets out the four key challenges of text messaging as the four Cs:

- Consent
- Confidentiality
- Children and Young Adults
- Content of text message

1. **Consent**

Has consent been obtained to communicate by text? Consent should be explicit, verbal and / or written, and obtained prior to sending texts. An 'opt out' policy is unacceptable.

2. **Confidentiality**

Text messaging is inherently insecure: texts are transmitted on a public network and may be read by others, even on a locked smartphone.

3. **Children and Young Adults**

Children have the right to confidentiality and, for example, a 16 year old may not want his / her parents to know that he / she has an appointment at the practice.

The ICGP guidance states: *"In general, text messages should not be sent to children under 16 years of age. Young people, aged 16 and 17 years of age, may consent to receive text messages. It is especially important to verify their phone number, as young people may frequently change mobile, or use a parent's number. Carefully consider the content of text messages to young people, with whom inadvertent breach of confidentiality may easily arise, if friends or parents access their phone."*

4. **Content**

Text messages to patients should be of limited length and have a minimal amount of detail so as not to give too much information to anyone else. For example, you may identify your medical practice provided this does not provide clues as to the patient's clinical condition. Text messages should not contain sensitive information.

Current advice from the Data Protection Office, is that clinical information should NEVER be transmitted by text. Remember that text messaging in this context is a professional communication, hence 'text-speak' should be avoided.

Other considerations include:

1. **Has the message been sent to the patient's correct mobile number?**

Patient details should regularly be checked and updated particularly when ordering investigations.

2. **No confirmation of receipt.**

There are no guarantees that the text message has arrived at its correct destination.

3. **Is the message urgent?**

Urgent messages are not suitable for text messages as some people may not have their mobile phone switched on or there may be a delay in the network. 'Appointment Reminder' text messages should be sent a few days in advance of the appointment.

Considerations when receiving text messages from patients:

Patients may wish to send messages to the Consultant or secretary, e.g. to re arrange an appointment. While facilitating this means of contact from patients may provide considerable benefits for some patients, these messages must be processed effectively with procedures in place to ensure an appropriate level of safety and security.

The patient should be required to identify themselves in their text message but this alone cannot be relied upon and the mobile number must also be checked against the patient's details contained in their records. The message details should then be transcribed carefully into the patient's file.

Policy

Consultants should draw up and implement a robust policy for communicating with patients by text messages and ensure secretaries are conversant with this. Any policy should address the key challenges of text messaging set out above.

Please do not hesitate to contact Medisec if you have any queries regarding the above.

“The contents of this publication are indicative of current developments and contain guidance on general medico legal queries. It does not constitute and should not be relied upon as definitive legal, clinical or other advice and if you have any specific queries, please contact Medisec for advice”.