

Alternative to Certified Mail

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Whenever you must send an important communication to a patient, it must be in writing and sent by means of a reliable delivery method. In the past, many significant written communications – discharge letters, or warning letters to noncompliant patients – would be sent to the patient by certified mail, return receipt requested. The certified mail process requires a signature from the patient or another person who lives at the address, thus providing evidence that the communication was, in fact, received.

Unfortunately, not only has the cost of certified mail dramatically increased, but it is increasingly common that certified mailings are returned to the physician's office without a signature. This could occur either because the patient refused to sign for the letter, or because the patient was never home to receive it. It can take several weeks for a letter to be returned as "refused" or "unclaimed." The physician must then begin the notification process all over again in order to make an attempt to convey the communication to the patient. This delay could result in additional risk to the physician, especially if the physician wished to discharge the patient from the practice.

As a result of these issues, Fager Amsler & Keller LLP has revised its recommendation concerning the method by which written communications should be sent to patients. It is still suggested that the letter and envelope be marked "personal and confidential." However, certified mail, return receipt requested, is not the only reliable method of mailing which can be used. Instead, the notification should be sent using the "certificate



of mailing" process offered by the US Postal Service. This requires you or a staff member to go to the Post Office to mail the letter via first class mail to the patient's last known address. At the time of mailing, a "certificate of mailing" is purchased. The form (PS form 3817) can be downloaded from about.usps.com/forms/ps3817.pdf, but it must be brought to the Post Office to be placed in an official Post Office depository.

The Post Office accepts the letter and stamps the form with the date the letter is mailed. Since the letter is sent via first class mail, it does not require a signature, and, if necessary, it will be forwarded to the patient's new address. It cannot be refused by the patient and will not be returned by the Post Office unless the address itself is invalid. The date-stamped certificate is proof that you mailed the letter at the Post Office, and this constitutes presumptive evidence in court that the let-

ter was received by the patient in the normal course of business. Thus, if the first class letter is not returned as undeliverable, you may assume the patient has received the letter and have proof it was mailed. A copy of your written communication to the patient and the certificate of mailing should be retained in the patient's medical record. ❖