

Wearable Digital Health Devices: Risks and Rewards for Clinical Care

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Polar Canada's GPS-based smartwatches and chest straps show just how far innovations in wearable devices have accelerated. The Polar Chest Strap not only monitors heart rate but also provides connectivity to other fitness apps, gym equipment, smartwatches, and other training devices. In addition, the digital health device offers the orthostatic test so wearers can find out how much can strain their capabilities - ideal for bespoke fitness goals, or for those recovering from injuries.

The world of fitness and wellness digital health devices has expanded rapidly, as more startups innovate connected wearable gadgets for fitness (Fitbit, Garmin), nutrition (Nima), health management (Acurable, Viatom), medical management (Pilleve), and more.

Now, healthcare organizations and practitioners are adopting wearables for their own practice and for the health of patients. With so many options to choose from, and technology changing swiftly, these healthcare entities face novel liability risks.

The benefits of wearables for patient health:

- Wearables can provide more efficient, convenient, and cost-saving solutions to promote wellbeing or better patient outcomes, as well as track conditions and symptoms
- Wearables can empower the patient by giving them the access to their own data, while providing a convenient way to self-monitor
- Through the connectivity of cloud-based data, wearables can provide a fuller picture of a patient's health by breaking down data silos

Liability Risks Healthcare Organizations Should Watch Out For

The collection and use of patient data by a connected wearable gadget poses new risks around the privacy of that data. Of particular concern is how and by whom consumer health data is used.

For instance:

- A wearable device may be connected to a third-party device that has not been properly vetted. Moreover, devices that are "stealthier" at data collection might be able to gather more or more types of information than the consumer is aware.
- The smaller the wearable, the harder it is to identify that someone is using it, and the easier it is to misplace.
- Private health data put on devices could get lost

Organizations need to establish policies with specific rules for the use of wearables, ensuring that current policies are broad enough to cover the risks associated with wearables.

Liability risks also affect the manufacturers. According to Ericsson Support Services, users of wearables are more likely to share their data with wearables manufacturers than with doctors, making wearable manufacturers personal data brokers. (1)

In addition, concerns exist around the clarity and accuracy of communication about “smart” features. For instance, consumers might allege that they have been misled about the features and capabilities of wearable devices. This could expose a manufacturer of such devices to breach of express and implied warranties, fraud, and state unfair competition and advertising laws.

The MedThree Advantage

As a specialist MGA, MedThree understands the ever-changing landscape of digital health. While regulatory laws lag behind the rapid technological innovation in this sector, MedThree underwriters continue to work with brokers to provide the best possible coverage for their clients.

Brokers who work with MedThree benefit from our time-saving submission platform, an online tool that manages the entire policy from application to document issuance. This means brokers can efficiently administer high-volume, low-cost policies without any paperwork, so they can concentrate on more complex policies.

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Sources:

1. <https://www.ericsson.com/en/reports-and-papers/consumerlab/reports/wearable-technology-and-the-internet-of-things>