

From “Webside” Manner to Web Security: Insuring Virtual Healthcare

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The healthcare industry is rapidly expanding into a digital space, increasing their patients’ access to care while decreasing the overall cost of healthcare. Brokers serving the healthcare and life sciences sector must keep abreast with this ever-evolving facet of patient care.

Read on to discover the outlook of virtual care uptake in Canada, and the key liability risks emerging as a result of new virtual care solutions.

Defining Virtual Healthcare

Though often used interchangeably with terms like telemedicine or telehealth, virtual healthcare is one component of telehealth and refers to virtual visits between patients and clinicians. Live video, audio, and instant messaging allow patients to interface with their healthcare providers from the comfort of their homes. This mode of care is of particular benefit to those in rural communities and those with disabilities.

Virtual healthcare has been primarily used for basic kinds of videoconference visits, consultations, check-ins, ongoing pain management, or status updates. However, as the technology evolves this could begin to more frequently include attention to complex conditions. While it does have some limitations for the time being, virtual care increases the efficiency of patient care for a wide variety of healthcare professionals.

Healthcare’s Rapid Shift to Virtual in the Midst of Crisis

One of the major changes due to the pandemic has been how people access their healthcare which has led to an increase in the use of virtual healthcare.

Prior to the pandemic, Canada had fallen behind other countries in the use of digital technology in healthcare. (1)

During the first wave of the pandemic, emergency visits dropped 50 percent and many appointments were cancelled, creating a backlog that put immense strain on

the healthcare system according to Dr. Leon Rivlin, chief of emergency medicine at Humber River Hospital in Toronto. In response, this hospital started a virtual care clinic during the third wave and since then about 1,300 appointments have been made. This trend is occurring across the province.

According to a study by the Canadian Medical Association Journal (CMAJ), office visits in Ontario declined by nearly 80% while virtual care increased 56-fold, comprising 71% of primary care physician visits between March and July of 2020. (2)

Evolving Insurance Risks in Virtual Care

While the ability to video conference with a healthcare professional has many benefits for everyone involved, it also comes with special risks in addition to the usual risks involved in healthcare.

As with any technology, the most concerning risks are cybersecurity and privacy concerns. In response to the pandemic, the Royal College of Physicians and Surgeons of Canada (RCPSC), the College of Family Physicians of Canada (CFPC), and the Canadian Medical Association (CMA) released a “Virtual Care Playbook” to help physicians with introducing telemedicine in their practice. The sections involving privacy and security can give us an idea of what exposures to look out for. (1)

1) Security & Privacy

“Webside” manner: Healthcare professionals should be careful to conduct the visit in a setting that ensures privacy, preventing others from overhearing. This could be especially difficult on the patient side and as such represents a risk to the physician.

Texting: If a healthcare provider sent a text that included private health information and someone intercepted that information, this could result in a lawsuit.

Know your apps: It is very important to ensure that any app, text, video, or voice call is designed to meet security and privacy requirements. Practitioners and patients should be educated about best security practices when conducting visits in these ways.

2) Scope of Practice

Practitioners are advised not to see patients in a virtual environment when the issue is urgent or new, as this could lead to misdiagnosis. Examples include:

- Chest pain, shortness of breath, and loss of neurologic function
- Ear pain, cough, abdominal/gastrointestinal symptoms
- Musculoskeletal injuries or conditions
- Most neurological symptoms

- Congestive heart failure

3) Regulations

Physicians should be aware of each jurisdiction's laws regarding virtual care as they may differ. This alone presents a weakness for healthcare providers. Any slip in this regard could prompt legal issues.

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Sources

1. <https://www.cnacanada.ca>
2. <https://globalnews.ca/news/7902460/telemedicine-future-covid-canada/>