

## MedThree Talks Digital Health

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When used appropriately, virtual care can be a powerful tool to engage patients and has become a widespread and necessary substitute for in-person care. According to Kai Lakhdar, a partner at PwC's Strategy& consultancy, Canada no longer lags in digital health care adoption. "In the age of COVID, all of a sudden people weren't willing or able to access a broad range of in-person services," he says, adding that the country's digital-savvy public was ready for the shift. (1)

Several studies support this conclusion. According to a 2018 survey for the Canadian Medical Association, only eight percent of respondents had used virtual care, but 69 percent would use it if it were available. (1)

### **This raises an important question for brokers: how will it impact liability for healthcare professionals?**

When healthcare professionals provide online services, there are several professional, ethical, and legal factors to consider. The inherent characteristics of telemedicine - the loss of non-verbal cues, reliance on third-party software, barriers to privacy, and more - exacerbate medical practice's existing challenges and pose new risks to the security of patient data.

To help you navigate this new frontier, this article will look at the key risks of virtual care and best practices to mitigate them.

### **What is Virtual Care for?**

In the context of medicine, online services (also called virtual care, telemedicine, telepractice, telehealth, telecare, e-health, or e-services) refer to health care services available online, including:

An electronic format (Internet, text, video, online chat, email, social media, etc.)

An electronic device (computer, tablet, smartphone, landline)

Virtual care can be used as a standalone remote service delivery model or in conjunction with in-person treatment for a wide range of healthcare services, including:

- Assessment
- Evaluation
- Intervention
- Monitoring and supervision
- Education
- Therapy
- Consultation

## What challenges does virtual care face?

### Continuity of Care

The safety, welfare, and best interests of the patient must remain a top priority as healthcare professionals provide online services. Regardless of the method or platform used, virtual care must adhere to the same professional, ethical, and legal obligations as in-person care, including any jurisdictional, institutional, and regulatory requirements.

The following are some important considerations to ensure continuity of care:

1. Does the delivery or use of these services by patients impact any cultural, environmental, economic, mental or physical abilities or linguistic issues?
2. Using technology with patients who have difficulty is a challenge. Is it necessary to create orientation materials and instructions? Can patients refuse to use virtual services?
3. What measures will be used to determine if telehealth is effective and efficient in meeting patient outcomes and goals? In what ways will any potential issues during online sessions be handled?
4. A patient may file a claim against a doctor or healthcare professional for failing to render services or breach of professional duties if they feel these healthcare services fell below the standard of care—even if the medical practitioner did nothing wrong.

### Data Security

Under applicable provincial privacy laws, Telemedicine must comply with all requirements for data stewardship, such as: HIA in Alberta, PIPA BC in British Columbia, PHIPA in Ontario, APPIPS in Quebec, and more. Whenever a healthcare organization is found negligent in safeguarding, retaining, or disposing of patient PHI under their custody, they could be held accountable for as much as \$1,000,000 in compliance violations (\$200,000 for individuals).

For telepractice to be effective, all programs, platforms, and equipment must be safe, secure, and easily navigable for patients, while also protecting the privacy of PHI.

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As the effects of the coronavirus continue to be felt worldwide, we are witnessing an unprecedented shift towards digital health. And despite not necessarily choosing to do so, patients and providers alike are seeing the merits of telemedicine as an alternative service model that minimizes traditional barriers to healthcare like distance, disability, and financial constraints. While we don't know what a post-pandemic world will look like just yet, one thing is clear: virtual care is here to stay for the foreseeable future and may even become a permanent part of our lives.

But as our reliance on mobile devices, digital platforms, and online solutions grows, so will our exposure to risk. For many businesses, this may be the first venture into working completely virtual. Infrastructure holes are bound to happen. And even if you do everything in their power to safeguard patient information, a third-party could still gain access to information through illegal means.

### **The MedThree Advantage**

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Sources:

1. <https://www.cpacanada.ca/en/news/pivot-magazine/2022-02-08-tytoclinic>