

ETHICAL CONSIDERATIONS IN TELEMEDICINE

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DISCLOSURES

- No significant financial
- Past President American
Telemedicine Association (ATA)
- Member & Chair ATA Guidelines
Committee
- ACR-AAPM-SIIM digital radiology
guidelines committees



WHAT IS TELEMEDICINE?*

- Use medical information exchanged from 1 site to another via electronic communications to improve patient's clinical health status
- Includes variety applications & services using 2-way video, email, smart phones, wireless tools & other forms telecom technology

* ATA <http://www.americantelemed.org/>



WHAT'S IT NOT?

- Different medical specialty
- Something that requires special licensure, accreditation etc.
- But - it does require (at least for now) some provider & patient education regarding expectations, limitations, alternatives etc.



GUIDELINES

- ATA practice guidelines
- Professional societies
 - ACR, ASHA, APA, ADA
- Technical requirements (min) often included & standards available as well (HL7, DICOM, FDA)
- Standard guidelines & requirements for medical practice
- Common sense!



Dr. Colton is asking that everyone in the waiting room wear a mask to protect patient privacy."



LOCAL CONSIDERATIONS

- Parity legislation
- State level positions
 - <https://www.health.ny.gov/professionals/doctors/conduct/telemedicine.htm>
- State level TM licenses
 - <http://www.nmmb.state.nm.us/pdffiles/M DAppTeleMedicine.pdf>
- FSMB & state MBs



FOLLOWING GUIDELINES

- Practice medicine integration science & art preventing, diagnosing, treating diseases
- Compliance alone will not guarantee accurate diagnoses/successful outcomes
- Circumstances warrant may responsibly pursue alternate course action
- Divergence indicated when, in reasonable judgment practitioner, condition patient, restrictions/limits on available resources, advances info/tech occur
- If use approach sig different strongly advised document it



FOLLOWING GUIDELINES

- Do not purport to establish binding legal standards for TM interactions
- Result of accumulated knowledge & expertise leading experts in field
- Aspects may vary depending on individual circumstances (e.g., location parties, resources, nature interaction)
- Not designed to be “how to”

**THIS IS NOT
LEGAL ADVICE**

**IF YOU HAVE QUESTIONS OR NEED LEGAL ADVICE
PLEASE CONTACT A LAWYER**



FOLLOW SOP INSTITUTE

- Human resource management
- Privacy & confidentiality
- Fiscal management
- Federal, state, local, other regulatory & ethical requirements
- Ownership patient data & records
- Documentation, including use EHRs
- Patient/clinician rights & responsibilities



- **Network & data transmission, storage, access security**
- **Use equipment, devices, technology including peripheral devices, network hardware, software**
- **Research protocols**
- **Technical & medical competence in service provided, including training all personnel involved TH operations**
- **Evaluation criteria**
- **Availability organization info (ownership, location, website, contact information)**




EDUCATING PATIENTS

- **Structure & timing services, records, scheduling, privacy, security, potential risks, confidentiality, billing, VTC info, emergency plan, potential technical failure, coordination care others; contact between visits, conditions termination & refer in-person care**
- **Provided language easily understood**
- **Provided orally or in writing**
- **Set appropriate expectations**
 - **Prescribing, scope services, follow-up**



PROVIDERS SHALL

- **Conduct care consistent jurisdictional regulatory, licensing, credentialing & privileging, malpractice & insurance, rules profession jurisdiction practicing & of patient**
 - **Ensure compliance required by appropriate regulatory & accrediting agencies**
 - **Be cognizant establishment provider-patient relationship**
 - **Have necessary education, training, orientation, licensure, CME/CE**
 - **Ensure workspaces secure, private, reasonably soundproof, lockable door**
 - **Ensure privacy & make patient aware other persons & agree to presence**
- 

VERIFICATIONS

- **Provider & patient identity**
- **To patient setting without immediately available health professional (e.g., home) provider shall qualifications, licensure information, when applicable, registration #**
- **Provide location for verifying info**
- **Patients shall provide full name, DOB, contact info**
- **Cases existing established relationship process may be omitted**



PROVIDER AWARENESS

- **Local in-person health resources & travel requirements**
- **Exercise clinical judgment in referring additional health services**
- **Know preferred healthcare system patient's insurance to avoid unnecessary financial strain for patient**
- **Know emergency procedures & may request contact information family etc. to call for emergency support**



PROVIDER AWARENESS

- **Meds side effects, elevation symptoms, issues related med noncompliance should be familiar with patient's prescription & med dispensation options**
- **When prescribing should be aware availability specific meds patient location**
- **Should be familiar with whom patient is receiving other medical services**



CULTURAL AWARENESS

- Shall be culturally competent to deliver services to populations serve
- Factors include: client's language, ethnicity, race, age, gender, sexual orientation, geographical location, socioeconomic, cultural backgrounds
- Learn about patient community including any recent significant events & cultural mores community



PRIVACY

- **Audio, video, data transmission secure via encryption meets recognized standards**
- **Familiarize self with technologies available for computer/mobile security**
- **Help educate patient privacy & security**
- **Privacy features: audio muting, video muting, ability change public to private audio mode**
- **With mobile special attention on relative privacy info communicated**

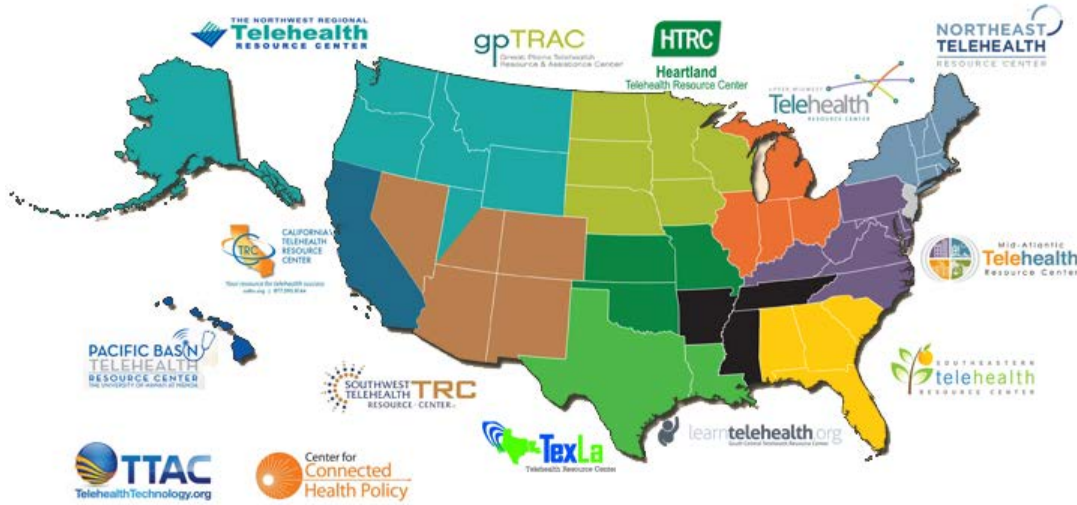


- **Ensure access patient info stored on any device adequately restricted**
- **Require passphrase/equivalent security**
- **Inactivity timeout & requires passphrase or re-authentication**
- **Mobile in possession provider when traveling or uncontrolled environment**
- **Unauthorized not allowed access sensitive info stored on any device**
- **Capability remotely disable/wipe mobile device lost or stolen**
- **Periodic purging/deletion TH related files from mobile devices**



- **PHI & confidential data backed up/stored on secure data storage locations**
- **Cloud services unable achieve compliance shall not be used**
- **Provide info patients about potential inadvertently storing data & how best protect privacy**
- **Discuss intention record, how info stored, how privacy protected**







THANK YOU!

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