ETHICAL CONSIDERATIONS IN TELEMEDICINE

Elizabeth A. Krupinski, PhD
Department Medical Imaging
University of Arizona
Arizona Telemedicine Program
Southwest Telehealth Resource Center
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!
LOCAL CONSIDERATIONS

- Parity legislation
- State level positions
- State level TM licenses
- 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
Provider 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!

krupinski@radiology.arizona.edu