

## Standalone Telemedicine: Online Service Providers

Members regularly seek clarification from Medisec as to whether their professional indemnity cover extends to the provision of healthcare through online telemedicine service providers (standalone telemedicine).

Medisec appreciates the evolving nature of practice and wishes to be progressive in promoting the best use of technology for the provision of optimal healthcare services for patients. In light of the relative newness of this area of practice, the steps below need to be taken to ensure a prudent and cautious approach is adopted in order to minimise risk.

### Standalone Telemedicine

This term refers to a service where a doctor, employed by a third party provider who manages the service, provides consultations with patients who are generally not previously known to the doctor. This is distinct from remote consultations through video or telephone which you might routinely provide to your own patients or through a locum service to which you are attached. This latter type of remote consultation is already part of what is considered 'normal' GP practice and has become even more commonplace in light of the Covid-19 pandemic. Please see our factsheet on *Top Tips for Video and Telephone Consultations* (available on our website).

### Requirements for Cover

- The member must be residing within the State, be registered with the Irish Medical Council and the patients to whom the service is being provided should also be resident in the State;
- The service provider must be an entity registered and based in Ireland;
- The member must only dedicate a maximum proportion of 50% of their practice to Standalone Telemedicine;
- The member must be familiar and comply with the Medical Council's Guide to Professional Conduct and Ethics sections 43.1 - 43.4

#### 43 Telemedicine

- 43.1 Telemedicine describes the delivery of health care services through information and communication technologies to promote the health of individuals and their communities. It involves the exchange of information between doctors and patients, or between doctors and professional colleagues, for the diagnosis, treatment and prevention of disease and injuries, and for research, evaluation and continuing education.
- 43.2 If you provide telemedicine services to patients within the State, you should be registered with the Medical Council. This is to maintain public confidence in telemedicine.
- 43.3 You must follow the standards of good practice set out in this guide, whether you provide services using telemedicine or traditional means. In particular, you should:
- make sure that patients have given their consent to conduct the consultation through telemedicine and consent to any treatment provided. See paragraphs 9 to 13;
  - follow paragraph 44 of this guide if you advertise on websites or similar media; protect the privacy of patient information through effective security measures; protect patients' privacy by following the guidance on confidentiality and medical records set out in paragraphs 29 and 33, and explain your information policies to users;
  - comply with data protection principles if you transfer any personal patient information to other jurisdictions<sup>25</sup>; and
  - inform the patient's general practitioner of the consultation (see paragraph 33.3).
- 43.4 You must satisfy yourself that the services you provide through telemedicine are safe and suitable for patients. You should explain to patients that there are aspects of telemedicine that are different to traditional medical practice – for example, a consultation through telemedicine does not involve a physical examination and any additional risks that may arise as a result.

- Members **must** be cognisant of the following provision in the Medical Council's Guide to Professional Conduct and Ethics, section 33.3

**33.3** If you are working in out-of-hours services, or telemedicine, you should make every effort to ensure that any notes you make about a patient are placed in the patient's medical record with their general practitioner as soon as possible (see paragraph 43).

- The member **must** satisfy themselves as to;
  - the service provider's compliance with GDPR;
  - the service provider's malpractice insurance / indemnity arrangements – our advice is that the service provider should have a minimum of €6.5 million cover in place; and

Members are also *advised* to satisfy themselves as to the service provider's quality assurance processes, clinical guidelines, training, data protection systems, protocols on prescribing and policies on safeguarding patients, including vulnerable patients (for example minors and patients with mental health difficulties).

## Prescribing and telemedicine

It is important to engage in safe prescribing at all times and ensure that all prescriptions issued by you are appropriate and in the patient's best interests, remembering always that responsibility for prescribing lies with the doctor who signs the prescription. Electronic prescribing (e-prescribing) is an important part of telemedicine and is convenient for both patients and doctors. However, e-prescribing it is not without risk and may result in patient harm and it is important to always carry out adequate safety checks when engaging in e-prescribing.

We recommend review of our factsheets on *Repeat Prescribing- Best Practice*, *Safer Prescribing*, *Steps to Safer Prescribing* and *Medication Reviews*, all available on our website.

## Exclusions on Cover

A member's professional indemnity insurance arranged by Medisec does not extend to or indemnify the standalone telemedicine service provider.

Our members' policies clearly state at paragraph 4.4 that the policy does not cover any claim or defence costs directly or indirectly caused by or arising out of the acts of a third party assumed by the Insured under any contract or agreement, whether written, oral, or implied. Any Medisec member contemplating standalone telemedicine work is advised to bring the terms of paragraph 4.4. of their policy to the specific attention of the standalone telemedicine service provider in writing prior to commencing work.

If Medisec cover is extended, any indemnity provided by our underwriters will be limited to the member. It should therefore not be taken to include assistance with any claim / legal action against an employee, contractor, agent or legal entity such as a website or company in relation to the provision of telemedicine.

"The contents of this publication are indicative of current developments and contain guidance on general medico legal queries. It does not constitute and should not be relied upon as definitive legal, clinical or other advice and if you have any specific queries, please contact Medisec for advice".

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