



Virtual Care: Medico-legal considerations

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McGill Annual Refresher for Family Medicine
November 30, 2021**

Faculty disclosure

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Virtual Care Considerations

Standard of Care

Consent

Privacy

Licensing/ Liability

Webside manner

Documentation



- When providing virtual care:
 - Outline the standard of care, consent, privacy and licensing considerations
 - Describe 4 documentation and communication pearls
 - Develop 2 strategies to improve your practice



Things are changing rapidly...



Standard of care

Colleges

Professional
Associations

Peers



CMPA experience: 5 yr review



Privacy breaches



Lack of consent



Provincial
licensing not met



Clinical
assessments

Standard of care



Published guidelines



VIRTUAL CARE PLAYBOOK

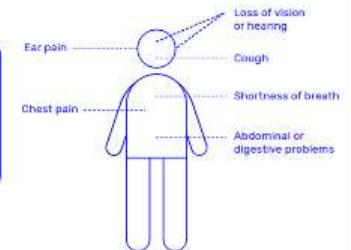
MARCH 2020

SCOPE OF PRACTICE

— WHAT PROBLEMS CAN BE SAFELY ASSESSED AND TREATED

Physician regulators all adhere to the same concept when it comes to virtual visits: a physician must not compromise the standard of care. That means that if a patient seen virtually provides a history that dictates a physical examination manoeuvre that cannot be executed remotely, the physician must redirect the patient to an in-person assessment.

Symptoms **not**
suitable for virtual
care include but
aren't limited to:




CPSI Infographic for patients

https://www.cma.ca/sites/default/files/pdf/Virtual-Care-Playbook_mar2020_E.pdf



Télémédecine

Cette section comporte plusieurs documents à l'intention des médecins sur le thème de la télémédecine. Vous y trouverez des fiches d'information ainsi que des guides pour mieux outiller les membres, encadrer la pratique professionnelle et répondre aux questions les plus fréquentes.

 Le contenu de cette section sera mis à jour et bonifié au fil du temps. Revenez la visiter régulièrement!

Fiches d'information

Outils et plateformes	Fiche 1 – Téléconsultations : quels outils ou plateformes utiliser?
Sélection des cas	Fiche 2 – Rencontre en personne ou téléconsultation : comment trancher?
Supervision de l'apprenant	Fiche 3 – Les apprenants et la télémédecine: quelles sont les responsabilités du superviseur?
Conditions de téléconsultation	Fiche 4 – Quelles sont les conditions nécessaires pour effectuer des téléconsultations?
Transmission des ordonnances	Fiche 5 – Comment transmettre une ordonnance pharmacologique au pharmacien après une téléconsultation?
	Fiche 6 – Comment transmettre une ordonnance d'imagerie médicale après une téléconsultation?
Nétiquette	Fiche 7 – Téléconsultations : quelles sont les bonnes pratiques et la nétiquette à adopter?

Fiches d'information

Localisation des participants	Fiche 8 – La localisation des participants lors d'une téléconsultation : quels sont les impacts?
Tenue des dossiers	Fiche 9 – Tenue des dossiers : quelles sont les particularités lors d'une téléconsultation?
Prescription de médicaments	Fiche 10 – Prescription de médicaments : quelles sont les particularités lors d'une téléconsultation?
Consentement	Fiche 11 – Quel type de consentement est requis pour une téléconsultation?
Mot du président	
24 février 2021	Téléconsultations : soins virtuels, obligations réelles

<http://www.cmq.org/page/fr/telemedecine.aspx>

Consent discussion:

- Limits to care
- Available alternatives
- Privacy issues

VIRTUAL CARE PLAYBOOK FOR CANADIAN PHYSICIANS

Sample Disclosure for Practice Website during the COVID-19 Pandemic

*This disclosure has been created for use specifically during the COVID-19 pandemic.
It can easily be edited for use in other circumstances.*

Our clinic is starting to offer virtual care. This means that we will be using video and audio technologies for some patient visits rather than asking all patients to come into our office. Some of these technologies are provided by the province or territory. Others have been provided by vendors like Google or Apple to help make discussions with your care provider as easy as possible during these difficult times. Some health concerns can be addressed with virtual care alone, but in some cases your doctor may ask you to visit a hospital or other health care facility if necessary, for a physical examination.

We do our best to make sure that any information you give to us during virtual care visits is private and secure, but no video or audio tools are ever completely secure. There is an increased security risk that your health information may be intercepted or disclosed to third parties when using video or audio communications tools:

To help us keep your information safe and secure, you can do the following:

- Understand that emails, calls or texts you receive are not secure in the same way as a private appointment in an exam room.
- Use a private computer/device (i.e., not an employer's or third party's computer/device), secure accounts and a secure Internet connection. For example, using a personal and encrypted email account is more secure than using an unencrypted email account, and your access to the Internet on your home network will generally be more secure than an open guest Wi-Fi connection.

You should also understand that electronic communication is not a substitute for in-person communication or clinical examinations, where appropriate, or for attending the emergency department when needed (including for any urgent care that may be required).

If you are concerned about using video or audio tools for virtual care, you can ask our office to arrange for you to visit a different health care provider or another health care centre where you can be seen in person. However, please note that visiting a health care provider in person comes with a higher risk of coming into contact with COVID-19 and the possibility of spreading the virus.

By providing your information, you agree to let us collect, use or disclose your personal health information through video or audio communications (while following applicable privacy laws) in order to provide you with care. In particular, the following means of electronic communication may be used [identify all that apply]:

- Email:
- Videoconferencing:
- Text messaging (including instant messaging):
- Website/portal:
- Other (specify):

For example purposes only and not meant to represent standard of care

Privacy

CMPA.
Empowering
better healthcare



Privacy of virtual platform

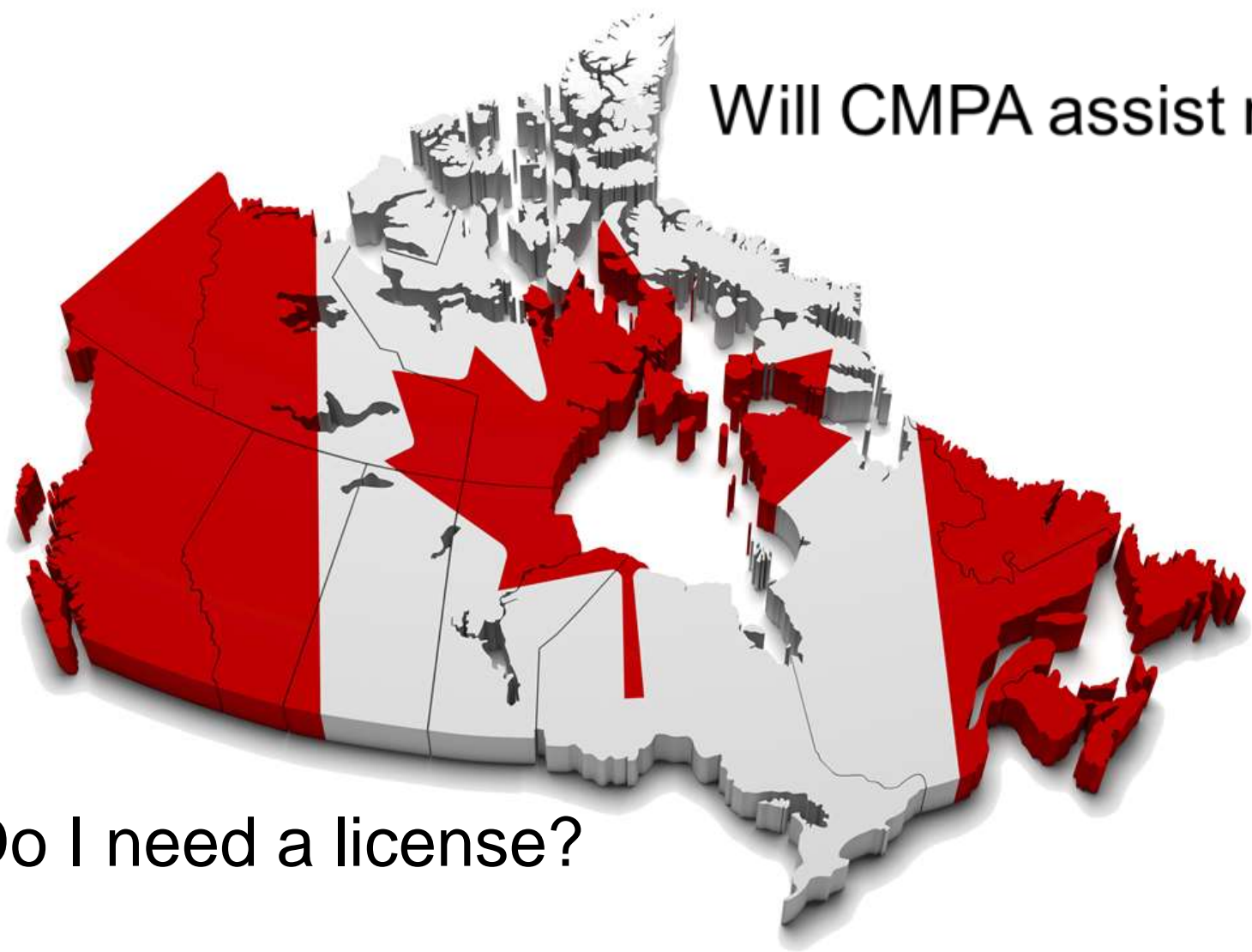
- Encryption
- Third party use
- Storage of information



Where is my patient?



Will CMPA assist me?



Do I need a license?



Established
relationship



Communication: Webside manner



- Develop rapport “sorry that this couldn’t be in person but nice to see you’
- After introductions ‘can you see and hear me ok?’
- “We have about 15 min together so I want to make sure we address your most pressing concerns”



‘You may hear me typing..’



Documentation Pearls



Pearl #1: Document your consent



SAMPLE TEMPLATE FOR ENCOUNTER NOTE IN PATIENT CHART

- Authenticated the patient identity visually [from ongoing relationship OR with comparison to valid photo ID]
- Patient confirmed that they are in a private location and using their own communication device
- Disclosed to the patient my geographic location and patient states that they are in [City/Town], [Province/Territory]
- Informed verbal consent was obtained from this patient to communicate and provide care using virtual and other telecommunications tools. The risks related to unauthorized disclosure or interception of personal health information have been explained to the patient and they have been informed about steps they can take to help protect their information. We have discussed that care provided through video or audio communication cannot replace the need for physical examination or an in-person visit for some disorders or urgent problems, and the patient understands the need to seek urgent care in an emergency department as necessary.

For example purposes only and not meant to represent standard of care

Pearl #2:

Document how you obtained the information used to make a diagnosis



Pearl # 3

Document if your clinical decisions were affected by the pandemic context



Pearl # 4

Documenting discharge instructions

**Discharge
Instructions**

Document informed refusal



CPSI tools for patients to document the virtual encounter

Canadian Patient Safety Institute | Home / Events / Conquer Silence / Virtual care resources for members of the public

Virtual care resources for members of the public

During your virtual visit.

Be aware that you may have to wait "on the line" before the healthcare provider joins the visit.

- Ensure the healthcare provider identifies themselves, where they're located and where they hold a licence.
- If someone is joining you during your visit, let the healthcare provider know and introduce them.
- Highlight the main purpose of the visit and determine what can be accomplished in the allotted time.

MAIN PURPOSE

- Discuss your health goals.

What is most important to you now?

GOAL 1 _____

GOAL 2 _____

GOAL 3 _____

What concerns you the most about your health?

FOR VIDEO VISITS

- Remain in front of the camera and speak clearly.
- For video visits with children, the child must be on camera for at least part of the visit.

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- Present your symptoms and how you are managing them. Ask the healthcare provider for their opinion and recommendations.

SYMPTOMS AND RECOMMENDATIONS

- Discuss the following items related to plan of care:

Any special lifestyle considerations that could influence the recommendations and possible solutions:

How and when recommendations could be completed:

Do you need support with the recommendations, such as financial assistance with medications? Decide together the best approach for your health.

Talk about follow up plans and health safety issues. What should you do if the symptoms do not improve or get worse?

Ask how information will be shared with you and your care team.

cpai icsp   #ConquerSilence

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<https://www.patientsafetyinstitute.ca/en/Events/Conquer-Silence/Pages/Virtual-care-resources-for-members-of-the-public.aspx>

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Contact us

Media room

Careers

Accessibility

Privacy policy

Helpful links

Telehealth and virtual care

Updated: October 1, 2021

Widespread delivery of care via telephone and video is transforming medical practice.

Articles

- [Providing virtual care during the COVID-19 pandemic](#) (3 min)
- [Scarce resources: Caring for patients during COVID-19](#) (4 min)
- [Safe care amid the pandemic—virtually and in person](#) (6 min)

Podcast

- [COVID-19: Virtual care](#) (19 min)

Microlearning activities

- [Virtual care: What about consent?](#) (2 min)
- [4 things to consider when providing virtual care](#) (2 min)
- [Write it down: 4 pearls in virtual care](#) (2 min)

Other learning

- [Telemedicine and virtual care guidelines](#) (The Royal College of Physicians and Surgeons of Canada)
- [2020 CMPA Annual Meeting and Education Session: Virtual Care in Canada: Lessons from the COVID-19 Pandemic](#)

FAQ

Contact us

Contact the CMPA and schedule time to speak to a physician advisor

Call us at 1-800-267-6522
(in Ottawa area:
613-725-2000)



[Browse articles](#)

[Duties and responsibilities](#)

[Safety of care](#)

[Legal and regulatory proceedings](#)

[Physician wellness](#)

[CMPA Perspective](#)

[Handbooks](#)

[Help and advice](#)

[Physician wellness](#)

[Risk management toolbox](#)

■ **Safety of care:** *Improving patient safety and reducing risks*

Providing virtual care during the COVID-19 pandemic



Published: June 2020

The information in this article was correct at the time of publishing 20-06-E

Issues

 **CMPA Podcast**

COVID-19: Virtual care (19 min)

- **CMPA Safe Medical Care**

www.cmpa-acpm.ca

- **To request an education session**

education@cmpa.org

 [@CMPAmembers](https://twitter.com/CMPAmembers)

1-800-267-6522

