

Video & telephone consultations - Top tips on getting it right

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From an MDU GP member...

- I am thinking about setting up a weekly Skype clinic

Can you give me some advice about any medico-legal implications?



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Issues for the GP to consider

- What does the GMC have to say?
- Data security & storage
- Confidentiality
- What about prescribing if the GP hasn't seen the patient?
- Does it matter if the patient is abroad?

- And of course – technical issues...
 - IT support / broadband speed



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What does the GMC expect?

- That you put yourself in a position to make an adequate assessment whenever you see a patient by whatever method
- In the event of a complaint the GP will need to be able to justify:
 - Clinical decision making
 - The choice of relying on a remote consultation



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An adequate assessment?

- Will depend on the circumstances
- Will there be access to the records
- Video consultation may seem to allow more information than telephone but may miss important subtle details including:
 - Clinical features
 - Body language



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Can you be confident of an adequate assessment?

- GP surgery looking at providing remote access advice to minor injuries unit via Skype
- GP surgery looking at a once weekly clinic to follow-up patients with mental health issues via Skype



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What about this one?

- GP thinking about setting up an online OCP prescription service...
- Would it be OK to ask the patient to provide their own BP reading?
- What about a note to the pharmacist that they should check the BP before dispensing?



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GMC guidance

16 In providing clinical care you must:

a prescribe drugs or treatment, including repeat prescriptions, only when you have adequate knowledge of the patient's health, and are satisfied that the drugs or treatment serve the patient's needs

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Remote prescribing - telephone, video link or online

- You may prescribe only when you have adequate knowledge of the patient's health, and are satisfied that the medicines serve the patient's needs. You must consider:
 - the limitations of the medium through which you are communicating with the patient
 - the need for physical examination or other assessments
 - whether you have access to the patient's medical records

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More from the GMC

If the patient has not been referred to you by their general practitioner, you do not have access to their medical records, and you have not previously provided them with face-to-face care, you must also:

- a give your name and, if you are prescribing online, your GMC number
- b explain how the remote consultation will work and what to do if they have any concerns or questions
- c follow the advice in paragraphs 30–34 on Sharing information with colleagues

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Remote consultations – Record keeping

- Still need to make adequate documentation in the patient's records

- Should a copy be retained as well?
→ GMC guidance on this issue



Keeping video/audio records

- The GMC advises you must:
 - make recordings only where you have appropriate consent or other valid authority for doing so
 - ensure that patients are under no pressure to give their consent for the recording to be made
 - where practicable, stop the recording if the patient asks you to, or if it is having an adverse effect on the consultation or treatment

Making and using audio and video recordings of patients GMC 2013



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But...

- The GMC advises you must not:
 - make, or participate in making, recordings against a patient's wishes, or where a recording may cause the patient harm
 - disclose or use recordings for purposes outside the scope of the original consent without obtaining further consent

Making and using audio and video recordings of patients GMC 2013



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Storage of a consultation recording

- It should be stored securely & in the patient's records –
the patient should be informed of this
- It will be disclosable under the Data Protection Act 1998



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Also need to think about

- Data security
- How secure is Skype / Facetime?
- Patient confidentiality

Another query

- GP thinking about doing a weekly virtual ward round at local nursing home
- All the usual things to think about but also consent and confidentiality
- Patients may lack capacity – is a remote review in their best interests?
- If they have capacity – might they feel pressurised to consent?
- Can you be confident of patient confidentiality?



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The location of the patient

- GP asks if it is OK to Skype a private patient who is abroad
- Does it matter if the patient is not in the UK?

→ **YES IT DOES**



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Consulting with patients who are overseas

- Does the GP need to be registered with the regulatory body of that country?
- Will the GP need additional indemnity?

GMC guidance – prescribing overseas

- Need to consider:
 - How will patient be monitored?
 - Differences in a product's licensed name, indications and recommended dosage regimen
 - MHRA guidance on import/export requirements and safety of delivery
 - Indemnity cover
 - Potential need to be registered with regulatory body in the country in which the medicines are to be dispensed

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Requesting assistance from the MDU (Member Guide)

- The matter should have arisen from your clinical practice in the UK. **The patient should be in the UK** on the date of the incident and the date of the examination (if different), **unless you have specific agreement from our membership team to work overseas.**
- Except for Good Samaritan acts, we **do not** offer assistance or indemnity with matters arising from practising in the USA, Australia, Canada, Bermuda, Israel, Hong Kong, Nigeria or Zimbabwe or for matters over which courts of those countries are responsible.



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Conclusion

- Medico-legally a lot to think about – never mind the practicalities
- On a positive note.....
- The MDU hasn't opened any complaint files in the last 2 years where the decision to consult a patient by video link was an issue



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