

E-Communications in the Digital Age: Strategies to Reduce Medicolegal Risk

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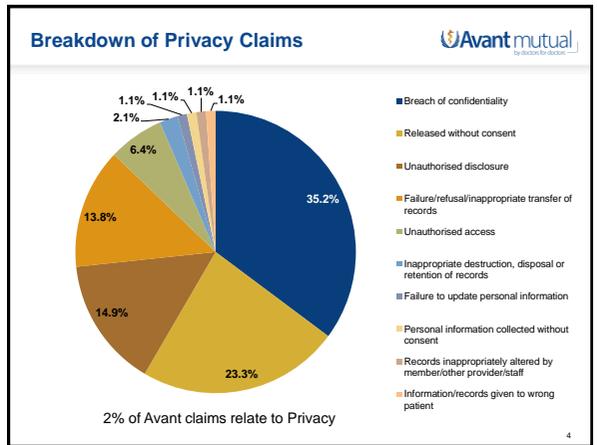
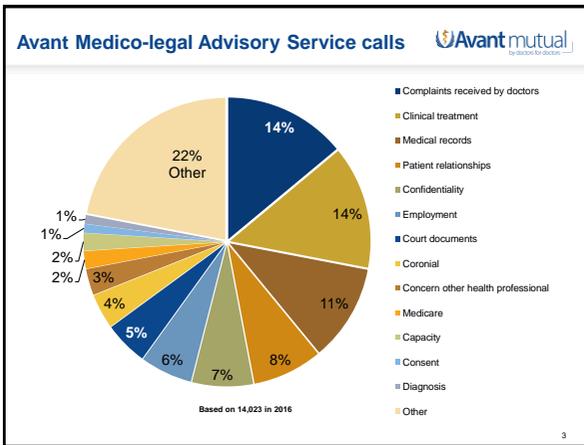
Here now: "Uberisation" of Medicine

"Access to medical terminations by tele-medicine is particularly important to women living in rural and regional Australia"

"VideoMedicine connects you with world class, leading health care providers. Our solution protects your privacy and gives you access to over 40+ Specialists"

Need a medical certificate, carer's certificate or a repeat specialist referral?

For \$19.99 you can have an online consultation, and receive your medical certificate the same day - in comfort of your home. Time of work can be spent wisely - recovering in the comfort of home.



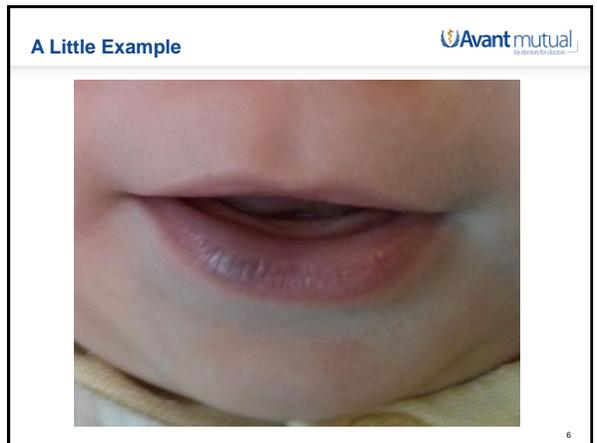
A Couple of Stories...

17 year old girl:

- Sees her GP for sexual health consult and the pill
- Has chlamydia screen
- Calls for result -- GP speaks to her, gives her positive result and asks her to come in
- Patient requests result to be emailed to her
- Sent to the email on file....her mother's email address!

GP receives electronic download about a test result:

- GP doesn't know the patient – not on file
- Clearly sent to the wrong practice



Benefits and Risks...




Telehealth
An Avant Health and Insurance paper

Avant seeks member feedback for framework to manage potential telehealth medico-legal risks

Avant Risk IQ factsheet
Recommendations when using SMS messaging

Do's and don'ts of patient SMS communication

By Kate Wilson, Head of the Health Legal Advisory Service and Dr Rose Corbridge, Senior Medical Advisor, Health

April 19, 2015

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Prepare for Mandatory Privacy Breach Requirements




From 22 February 2018*
Mandatory obligation to notify individuals who may be affected by an eligible data breach

**Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)*

What is an "Eligible Data Breach?"




(a) either:

- i. there is unauthorised access to, or unauthorised disclosure of, information held by a health provider; or
- ii. information is lost in circumstances where there is likely to be unauthorised access to or unauthorised disclosure of information; and

(b) a reasonable person would conclude that *serious harm* to an individual could result from the access or disclosure.

Requirement to Assess



If a health provider suspects that a data breach has occurred, then they must:

1. Investigate whether it is an eligible data breach
2. Complete the investigation within 30 days



Requirement to Notify Affected individuals



Health provider must make available a copy of any report prepared for the Commissioner:

1. To individuals actually affected
2. To individuals who might be at risk of being harmed
3. Online if individuals cannot be identified



Transition Process



1. Review and update privacy policies and procedures.
2. Create a detailed data breach response plan.

The OAIC provides guidelines to help, including:
Data breach notification - A guide to handling personal information security breaches and Guide to developing a data breach response plan.



Use the My Health Record Safely



- OAIC made recommendations relating to:
- > E-health security policy
 - > Privacy policy
 - > ICT security policy and risk assessment
 - > Training
 - > Regular reviews
 - > Complaints handling process.



Ten Best Practices for Health Care Practices



- 1 • Use strong passwords
- 2 • Anti-virus software
- 3 • Firewalls
- 4 • Control access for health information
- 5 • Control physical access
- 6 • Limit network access
- 7 • Plan for the unexpected
- 8 • Maintain good computer habits
- 9 • Protect mobile devices
- 10 • Establish a security culture

Ten Principles to Minimize Risk for Electronic Communication



1. Be mindful of the doctor-patient relationship
2. IT-software / hardware policies and procedures
3. Formulate a practice protocol and policy for emails and SMS and stick to it
4. Staff training and education
5. Appropriate consent
6. Patient selection
7. Problem selection
8. Clinical risk management / safety netting
9. Effective communication / managing expectations
10. Documentation and record keeping

Important notices

General disclaimer
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