

TELEMEDICINE (VIRTUAL CARE)

Amendment 1 2020

Standards of Practice of the Yukon Medical Council (“the Council”) are the minimum standards of professional behavior and ethical conduct expected of all physicians registered in the Yukon. Standards of Practice will be referenced in the management of complaints and in discipline

Preamble

Ethical, professional and legal obligations

The use of telemedicine does not alter the ethical, professional and legal obligations of physicians, including but not limited to:

- a) Licensure;
- b) The establishment of a physician-patient relationship;
- c) Informed consent, including consent to treatment and as related to telemedicine technologies;
- d) Privacy, confidentiality and security of patient information;
- e) Determining the appropriateness of the use of telemedicine and the best course of care for each individual patient;
- f) Determining the appropriateness of prescribing;
- g) Ensuring appropriate follow up with patients and continuity of care

Definition

- (1) For the purpose of this Standard, “telemedicine”, also known as “virtual care”, means the provision of medical diagnosis and patient care through electronic communication where the patient and the provider are in different locations

Licensure requirements

Expectations for Physicians licensed in Yukon providing telemedicine

- (2) When providing or assisting in the provision of patient care in another province or territory, or when providing telemedicine to patients located in Yukon, Yukon licensed physicians must comply with the licensing requirements of that jurisdiction. Physicians must always have and maintain appropriate liability coverage for their telemedicine practice.

Terms used in the Standards of Practice:

- *Physician* means any person who is registered or who is required to be registered under the Medical Profession Act.
- *Must* refers to a mandatory requirement.
- *May* means that the physician may exercise reasonable discretion.
- *Patient* includes, where applicable, the patient’s legal guardian or substitute decision maker.

TELEMEDICINE (VIRTUAL CARE)

Amendment 1 2020

Expectations for Physicians licensed in another Canadian province or territory

- (3) There is no requirement for physicians licensed in another Canadian province or territory to obtain licensure in Yukon in order to provide telemedicine to patients physically located in Yukon. Physicians not licensed in Yukon **must** comply with the licensing requirements in the jurisdiction in which they hold licensure and provide care in accordance with the standard of care in that jurisdiction. Physicians must always have and maintain appropriate liability coverage for their telemedicine practice in accordance with the requirements of their jurisdiction of licensure.

Complaints and discipline

- (4) Physicians licensed in Yukon are expected to comply with the regulatory requirements and standards of practice of Yukon. Yukon physicians will be subject to the Yukon complaints and discipline process, regardless of where their telemedicine patients may reside.
- (5) Physicians licensed in another Canadian jurisdiction providing telemedicine to patients physically located in Yukon are subject to the complaints and discipline process of their primary jurisdiction of licensure. If Yukon Medical Council receives a complaint regarding the practice of an outside licensed physician, the complaint may be forwarded to the appropriate medical regulatory authority.

Security, privacy and confidentiality

- (6) Physicians must protect the privacy and confidentiality of the patient's personal health information specifically by:
 - a) Evaluating whether the information and communication technology and physical setting used by the physician has reasonable security protocols in place to ensure compliance with physicians' legal and professional obligations to protect the privacy and confidentiality of the patient's personal health information; and
 - b) Taking reasonable steps to confirm the information and communication technology and physical setting being used by the patient permits the sharing of the patient's personal health information in a private and secure manner; and
 - c) Ensure the physical setting in which the care is being delivered is appropriate and safe, including having a plan in place to manage adverse events/emergencies.

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Medical records

- (7) Physicians practicing telemedicine are held to the same standards regarding the establishment and maintenance of the medical record as when providing an in-person visit. Yukon licensed physicians are expected to comply with the existing standards of Yukon Medical Council, including *Records Management* and *Records Content*.
- (8) In order to ensure the continuity of the medical record, a physician providing telemedicine who is not the patient's regular General Practitioner should notify the patient's regular physician of the contents of the telemedicine visit
- (9) The medical record must also include a notation of the patient's informed consent to medical treatment via telemedicine.

Establishing the physician-patient relationship

- (10) A physician practicing telemedicine has the same obligations for forming a physician-patient relationship and for follow up care in telemedicine as in a face to face consultation, including but not limited to establishing consent, establishing therapeutic rapport, professional communication, and duty of care.
- (11) The patient consent process for telemedicine services must ensure the following information is reviewed by the patient:
 - a) Where the physician is licensed
 - b) How the privacy of the patient's personal health information will be managed
 - c) The physician must notify the patient at any subsequent visit if any of the above change

Prescribing

- (12) A regulated member **must not** issue or sign a prescription, by electronic or other means, unless the regulated member;
 - a) Obtains a medical history and conducts an appropriate examination of the patient adequate to establish a diagnosis and identify underlying conditions;
 - b) Ensures there are no absolute contraindications to the treatment recommended or provided; and
 - c) Has an appropriate, informed discussion to ensure the patient understands the risks, benefits and course of action if concerns are identified.
- (13) Notwithstanding the above, a regulated member **may** issue a prescription without meeting the full scope of requirements listed above in the following circumstances:
 - a) For emergency treatment of a patient;

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- b) In consultation with another regulated member who has an ongoing relationship with the patient and who has agreed to provide ongoing supervision of the patient's treatment; or
- c) In an on-call or cross coverage situation in which the prescribing regulated member has access to the patient's medical records.

Last updated by: Ashley Hill, September 30, 2020
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Approved by Council: September 30, 2020

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