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Article

Peace of mind in an interconnected risk landscape: Managing risk in virtual mental healthcare services

October 31, 2020

Accessing mental health services virtually is proving effective for millions of people, with the ‘remoteness’ of the interaction adding extra comfort for many who find discussing their conditions in person challenging. However, for the providers of telemental health services considering risk factors upfront helps manage exposure to unexpected liability risk. Beazley underwriters explore the potential risks involved in providing mental health services online amid a surge in demand while ensuring clients are treated in a safe, secure and regulated remote environment.

During this pandemic it has been the mental rather than the physical impact that has weighed more heavily for many faced with increased health and financial concerns, isolation and loneliness. The crisis has piled on pressure at a time when mental health globally was already in a fragile state, persuading more people to seek out virtual health support and self-care technology options. Combined with ongoing social distancing requirements, the surge in demand is driving some health providers to rethink how they engage with patients.

The move online has challenged both users and providers of mental healthcare to adapt quickly to different forms of health provision and to ensure patients do not disappear off grid with the reduction in in-person services. They join a dynamic, fast-growing sector; the general expectation is that the current spike in telemental health services will persist beyond the current crisis, with one recent report estimating the value of the tele-psychiatry market at $36bn by 2027. [1] Patients seem to be largely receptive: 81% would “definitely” or “probably” access treatment and support via a virtual channel, according to a US

survey of people with behavioral health issues conducted during the pandemic by Accenture. [2]

As more organizations provide online services, the risks need to be fully considered up-front. This area of treatment arguably lends itself better than most to remote provision, however, the differences between the virtual setting and the clinic are worth close consideration for both seasoned telemental health providers and newer providers. Digital health often brings new and unforeseen interconnected risks, not just for diagnosis, treatment and care, but also in terms of technology, data privacy and compliance.

BREAKING DOWN BORDERS

While a key strength of this is accessibility, and being able to use services wherever and whenever you want, key risks include regulatory and licensing as well as the impact of deferred in-person treatment. Regulatory considerations must be addressed up-front. Although many regulatory bodies have taken steps to relax licensing restrictions during the pandemic [3] to support ease of access and treatment, the rulebook is constantly changing. Providers need to keep up to date and avoid running foul of an evolving regulatory landscape.

At times when a virtual consultation must shift gears, health professionals need to be sure that distance does not prevent or delay in-person human intervention, if required, as consequences could be severe. Telemental professionals delivering remote consultations may be reliant on third parties or networks in other states to ensure there are nearby responders who can physically reach patients. This arrangement requires established communication channels and protocols. In some cases, the patient may be at-risk if an in-person intervention is needed but does not occur, leaving providers exposed to allegations of malpractice.

For some patients, accessing care and support from their own home encourages more open and communicative behavior, while therapists have highlighted the additional insights, they can derive from observing patients in their own homes. In a six-year study published in June, a team from McMaster University in Canada compared cognitive behavioral therapy delivered face-to-face and via video conference, email and text, and concluded remote delivery was more effective at reducing the severity of symptoms of depression. [4]

BLURRED BOUNDARIES

Risks that some might assume were confined to in-person treatment can also arise in a digital setting. Likewise, professional misconduct — such as allegations of inappropriate behavior by a professional towards a client — can arise in a virtual setting, too. In one such incident, a marriage guidance counselor instigated a relationship with a client online that led to a claim of negligent misconduct. In this area, the responsibility of organizations to ensure compliance with procedures and codes of conduct is as stringent online as offline — and the penalties just as severe.

In addition to interactive therapy, the pandemic has also resulted in more people turning to apps and other online platforms to support their mental health and wellbeing. Today, an estimated 20,000 mental health apps are available [5], as well as many more focused on broader

wellness and lifestyle. Along with greater integration of telehealth and remote monitoring generally, increased integration of apps into therapeutic care is also anticipated. Some therapists encourage patients to use an app to monitor and grade their symptoms, with output shared and discussed during an online therapy session.

With the convenience and improved access to services comes the added risk that data could be lost, accessed or shared without authorization, either maliciously or through human error. Ensuring the security and privacy of the app or website and the storing and sharing of health information requires an up-to-date cyber security strategy and risk management approach. It is important that all providers make sure employees receive regular training on systems and security. They also must be aware of the adequacy of disclosure about the risks and benefits of telemental health, as well as the requirement to obtain and record patients' informed consent.

The continued growth of the sector during this pandemic and beyond brings fresh opportunities and risk. As we become better connected and access to health is increased, greater dependency on technology also brings more issues around privacy and security. As we embrace a more blended lifestyle with work and home life becoming more interwoven, it is imperative we take the necessary precautions to ensure boundaries between professional and personal do not become so blurred just because they are no longer physically there to remind us.

1 https://www.prnewswire.co.uk/news-releases/telepsychiatry-market-size-worth-36-3-billion-by-2027-cagr-24-7-grand-view-research-inc--849352104.html)
2 Breakthrough Behavioral Health Access – Think Virtual", Accenture, July 2020:
3 https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-digital-health-devices-treating-psychiatric-disorders-during-coronavirus-disease
4 https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(20)30186-3/fulltext
5 https://www.statnews.com/2020/07/10/new-tool-sort-mental-health-app/

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