

A clean bill of digital health: Managing risk hygiene factors

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1 October 2020

Beazley underwriters **Jennifer Schoenthal and Kyle Lau** a clean bill of digital health helps manage exposures to ensure treatment occurs in a safe, secure and regulated

Confronted with a global health emergency and a poorly healthcare providers in early 2020 had to pivot to offeri or unfamiliar technology in challenging circumstances.

Such a transformation placed huge demands on human the health sector. Technology providers that build or ma ensure systems were robust and secure enough to mair mounting demand from health providers and patients.

To make certain patients still receive the care they need virus, it wasn't only health and tech providers that had t regulators have introduced less restrictive interim meas respond quicker and go virtual where necessary.

Responsive rulemaking

At a relatively early stage in the pandemic, regulators an statements aimed at supporting the move to digital heal of the emergency response.

Among the various stages was the waiver of licensing re care provision by the Department for Health and Human availability of online care. The department also stated ei taken for non-compliance with HIPAA telehealth platform been a good faith effort to provide telehealth.^[ii]

And while some of the changes may outlast the pandem reinstated and return to the pre-pandemic regime. This i demonstrated in the recently published government and Telehealth Policy report, which, while recommending per restrictions, also called for the full reinstatement of HIPA

While supportive of the digital health sector, the measur providers to stay on top of their digital hygiene in such a regulated risk environment.

Assessing and addressing risk factors upfront helps avo reduces the likelihood of claims or litigation down the lin consider when improving digital hygiene.

Training

At the start of the crisis, employees had to familiarize th technologies and methods of care. Formal training often

some non-related training went on hold to cope with the emergency having slightly eased, this is an opportunity to help ensure the level of care is maintained and helps deal with exposures.

The shift to virtual care also raises another issue around broadly, especially for health professionals new to the job experience delivered online, organizations need to be careful and addresses any deficit caused by the lack of direct patient

A strong focus on developing a “websiteside manner” has not effective care and patient engagement remotely require person treatment. This involves honing softer skills such as virtual setting, as well as identifying whether a patient’s care be treated remotely or intervening if data or technology is

Training to ensure professionals have a robust approach to informed consent is also essential for virtual consultation physically present to sign consent documentation in actual practice, staff need to understand the process around consent eradicate inconsistencies.

Liability risk

This shift in care delivery and the prospect of a significant provided remotely beyond the pandemic opens up new liability care aspect, a reduction in training may be used by plain quality of a practitioner’s care provision.

There have already been incidents of plaintiffs’ lawyers consultation was not an appropriate setting and that the Litigation in this area is likely to increase as lawyers on the parameters of the use of virtual care. It is therefore crucial consistent records of online treatment, in the same way

Privacy and security

The virtual environment benefits significantly from the cloud data, but it also introduces a new dynamic around patient The vast majority of patients will be receiving care in the to ensure they do not breach a client’s confidentiality by present, or allowing any other unauthorized access to cloud

While data privacy and security have long been front of mind and those supporting their systems, the adoption of virtual introduces many more risks to manage. As wearable technology embedded in ongoing care, both physician-led and patient volumes of sensitive patient data are shared and stored manage a data loss or breach risks jeopardizing a provider confidence and patient care.

Risk awareness

The task facing providers during the crisis has been two providers. First, managing a smooth and effective shift to emergency alterations to the regulatory environment.

Second, address the interconnected risks that this shift to privacy and security, staff training and awareness through emergency regulatory changes will persist beyond the period to ‘normal’.

In this environment, allegations of inadequacies or failures emerging and can quickly move to the courts. Taking steps factors are maintained under pressure can help provide protected and support the long-term health of their organization

[i] <https://www.phe.gov/emergency/news/healthactions/13March20.aspx>

[ii] <https://www.hhs.gov/hipaa/for-professionals/special-preparedness/notification-enforcement-discretion-tele>

[iii] <https://www.ncqa.org/programs/data-and-informatics/technology/telehealth/taskforce-on-telehealth-policy/>

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