

Chinese Medicine Council of Hong Kong
Chinese Medicine Practitioners Board
Guidelines on Professional Ethics for Telemedicine Services

Introduction

In view of the growing public demand for telemedicine services on account of social and technological advancement, the Chinese medicine sector in Hong Kong has been developing telemedicine services to give patients more options. To promote the healthy development of such services in the interest of healthcare quality and safety, the Chinese Medicine Council of Hong Kong (CMC) has formulated the following guidelines for telemedicine for consultation with the Chinese medicine sector. Given the diversity of telemedicine practice and the fact that the relevant healthcare services are still developing, these guidelines are intended to lay down substantial guidance and guiding principles in respect of telemedicine and issues pertaining to it. The CMC will revise the guidelines as and when necessary to ensure their appropriateness as society develops.

(1) Definition and Principles

(a) Definition

Telemedicine (whether free or not) refers broadly to non-in-person modes of medical consultation (including but not limited to telephone, e-mail, applications or social media) and the relevant medical practice conducted between doctors and patients. The relevant medical practice includes the provision of medical consultation, medical advice and prescription of Chinese medicine, etc. for patients in the practice of Chinese medicine.

(b) Principles

A Chinese medicine practitioner¹ (CMP) who is required to provide telemedicine services should make the medical interests of the patient his or her foremost consideration and:

- i. shoulder the same professional responsibilities as in in-person consultation, and satisfy the regulations stipulated in all relevant medical ordinances, the requirements in such areas as professional responsibilities, practising rules and medical practice under the codes of conduct for CMPs, as well as any other written or unwritten professional requirements;
- ii. consider the clinical context, clinical goals and suitability of the employed mode of service delivery and the related equipment. The CMP must be satisfied that the patient is suitable for telemedicine interaction, before deciding whether to practise telemedicine or whether to continue to provide consultation to the patient by means of telemedicine. Telemedicine must not be viewed simply as a cost-effective substitute for in-person consultation with patients;
- iii. fully appreciate the limitations and risks of the mode of telemedicine and related equipment (e.g. inability to conduct physical examination on patients and quality as well as stability concerns over telecommunications) and ensure that telemedicine is appropriate for the patient's medical condition at the material time, and that the level of the overall healthcare services provided by means of telemedicine is not lower than that provided in in-person consultation;

¹ Chinese medicine practitioners include registered and listed Chinese medicine practitioners.

- iv. have good knowledge of the operation of the telemedicine equipment and systems for consultation; ensuring that the place, equipment, information system and information security system as well as technical support can meet the requirements for consultation by means of telemedicine. The CMP should, where necessary, seek professional advice from technical support staff and other relevant parties. If the systems concerned fail to meet the requirements for effective consultation and information security, the CMP should conduct consultation by means of other effective alternatives; and
- v. ensure that the CMP is qualified to practise telemedicine in the jurisdiction where the patient is situated. These guidelines should not be construed to authorise a CMP to engage in medical practice or otherwise practise outside Hong Kong or in a way that is not authorised by law. A CMP must comply with the laws and codes of practice governing medical practice in the jurisdiction where the patient receives medical services.

(2) Clinical Background

Telemedicine is more appropriate for a patient who is in a stable medical condition and where a CMP can have a good grasp of the patient's physical condition.

- (a) A close “doctor-patient relationship” is the cornerstone to the delivery of medical services. Before practising telemedicine, a CMP should take appropriate steps to build trust in the “doctor-patient relationship” with the patient so as to understand his or her physical and medical conditions. It is recommended that the first consultation be conducted in person as far as possible. Should an in-person consultation be inappropriate on the ground of infection control or other special circumstances, a CMP may, in light of the actual circumstances, first learn about the patient's medical and physical

conditions by referring with the patient's consent to his or her medical records as maintained by the physical healthcare facility the CMP is at, and then consider whether to practise telemedicine or not; and

- (b) should consultation by means of telemedicine be rendered inappropriate due to a change in the patient's medical condition or other reasons, a CMP should either arrange an in-person consultation for the patient or refer the patient to another physical healthcare facility for consultation.

(3) Informed Consent

- (a) Before providing telemedicine services, make sure that the patient has acknowledged, understood and accepted all the essential information, points to note and the risks involved concerning telemedicine including but not limited to:
 - i. the mode of operation of telemedicine and its limitations, such as the possibility of a technical failure and privacy risks;
 - ii. other suitable alternatives;
 - iii. privacy practices;
 - iv. operation of the telecommunication systems; and
 - v. arrangements for issuance of prescriptions.
- (b) For consultation for children aged under 16, informed consent should be sought from their guardians.

(4) Prescription

When prescribing for a patient by means of telemedicine, a CMP:

- (a) should comply with the requirements under section 4(3) to (6) of the Code of Professional Conduct for Registered Chinese Medicine Practitioners in

Hong Kong (“the Code of Professional Conduct”) or section 4(3) to (7) of the Code of Conduct for Listed Chinese Medicine Practitioners in Hong Kong (“the Code of Conduct”) as in in-person consultation;

- (b) should issue a prescription to the patient, which can be in electronic form (i.e. an electronic prescription generated by a computer system or a scanned copy of a signed certificate, etc); if the prescription is issued in printed form, the CMP’s signature in writing shall be affixed for it to be valid;
- (c) should provide consultation and prescribe Chinese medicines for children (i.e. persons aged below 16) only in the presence of their guardians;
- (d) should ensure that any instructions or medical advice, e.g. monitoring the patient’s condition, are understood by the patient and/or their caregivers;
- (e) shall be professionally responsible for the quality of medications supplied to the patient, if a decision to dispense medications is made. In the case of courier medicine delivery, the patient’s name and address should be specified on the medication package, packets of medications from different prescriptions in the same package should be properly separated (if applicable), and the relevant prescription(s) should be enclosed, so as to avoid any errors or omissions. A CMP is responsible for reminding the patient or the patient’s carer to, upon receipt of medications, verify the information on the package and check whether the package is intact; A CMP should also inform the patient of the ways to handle any irregularities of the medications delivered; and
- (f) should have regard to possible differences in the medication’s name, its indications and recommended dosage regimen when prescribing for overseas patients; be aware of and comply with the relevant laws and professional codes governing medical practice and medication in the relevant jurisdictions.

(5) Sick Leave Certificate²

A registered CMP should issue an appropriate sick leave certificate based on his or her own professional judgment and the individual condition of the patient. Regarding points to note on issuing a sick leave certificate, reference can be made to Reference Guide on Issuance of Sick Leave Certificate and Certificate of Attendance by Registered Chinese Medicine Practitioners. In addition, a registered CMP may consider issuing a sick leave certificate in electronic form (i.e. an electronic sick leave certificate generated by a computer system or a scanned copy of a signed certificate, etc); if the sick leave certificate is issued in printed form, the registered CMP's signature in writing shall be affixed for it to be valid.

(6) Medical Records

When practising telemedicine, a CMP should:

- (a) comply with the Code of Professional Conduct or section 4(2) of the Code of Conduct as in in-person consultation; and
- (b) make the medical interests and privacy of the patient as the foremost consideration and properly establish and maintain complete medical records. Relevant patient data, documents and other information transmitted through telecommunication systems to patients should also be properly recorded.

(7) Patient Privacy and Confidentiality

² According to information from the Labour Department, there is no specified format for a sick leave certificate, and a registered CMP is not required to sign such a certificate, or employ methods of electronic authentication, etc. in issuing such a certificate.

- (a) Should ensure that patient privacy is not compromised. Data obtained during a telemedical consultation should be secured through encryption, and other security precautions should be taken to prevent access by unauthorised persons. Leakage during data transmission should also be avoided; and
- (b) to enhance consultation security and protect patient's privacy, a CMP should be particularly vigilant against any possible security issues specific to the use of electronic communication. A CMP and the patient or the patient's carer should adopt effective means to identify each other and verify each other's identity before practising telemedicine.

Secretariat of the Chinese Medicine Council of Hong Kong

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