



Virtual and Electronic Communications During the Pandemic

The New Brunswick Association of Dietitians (NBAD) acknowledges and supports the need for flexibility during this current public health crisis. We understand that all precautions to minimize the spread of infectious disease must be taken, including changing face to face communications with clients/patients to virtual and/or telephone communication.

Protection of privacy and health information

First and foremost, when using virtual or telephone communications with patients/clients, dietitians must take any and all reasonable steps to ensure that the **personal health information of patients/clients is protected**. Custodians, which includes health care providers, must respect the regulations of the New Brunswick [Right to Information and Protection of Privacy Act](#) and [Personal Health Information Privacy and Access Act](#). Any personal health information in the dietitian's custody or control must be protected from theft, loss, unauthorized use or disclosure. One way to accomplish this is through the use of secure, encrypted technologies.

Health-specific platforms are usually regulated (privacy and security compliant) while more readily available consumer applications (e.g., Facetime, Skype) are unregulated and do not provide health system-level privacy and security compliance. If you have access to a regulated virtual care platform, NBAD recommends this be used for patient care.

If an unregulated platform is to be used, encrypted applications are preferential to unencrypted applications (including encrypted email).

NBAD does not advise on the specific types of platforms a dietitian may use and we do not have the resources to determine which are secure or encrypted. Usually, an employer will suggest or provide guidance for which platforms and technologies are to be used for work related use in a remote setting, therefore we recommend dietitians follow employer guidelines, policies and procedures regarding remote, virtual or telephone consultations. Given the situation we are facing, clients/patients may also request an available solution for urgent communication; the decision to use alternate modes of communication must be consented to by both parties, and must be documented by the dietitian.

The Internet is never completely secure and clients/patients consenting to virtual care must understand this. Clients/patients must be reminded that they have the right to refuse or to withdraw consent at any time.



Consent

When communicating with clients/patients using virtual platforms or telephone, consent is required. When using unregulated virtual platforms for health purposes, it is especially important that express client/patient consent is obtained. This is achieved by:

- carefully establishing that the identity of the client/patient is correct;
- explaining to the client/patient at the start of the virtual encounter that unregulated virtual care technologies increase the risk that personal health information may be intercepted or disclosed to third parties. These tools are being used as an extraordinary measure during the COVID-19 pandemic.

Documentation

When using an unregulated virtual care tool, you should record that verbal express consent was obtained in the client's/patient's permanent record, and that they understood the risks and benefits of the format of the consultation.

Mobile devices

If/when the employer encourages the use of mobile devices and/or related communication applications, dietitians are responsible for managing the security of all electronic messages on their devices and systems. Understanding the planned use of the device is critical. Questions to consider (source: College of Physicians and Surgeons of Alberta, March 20, 2020):

- Who will have access to the device and how will access be controlled?
- Where and how will the remote device be used, and under what circumstances?
- What information is needed on the remote device for the defined use, and in what detail?
- Is the storage in the device removable, and how can it be accessed?
- Is storage on the mobile device the appropriate solution, versus a communication protocol (such as a virtual private network) to a more secure storage location?
- How and when will information loaded or collected on the device be synchronized with the medical record? How will a record be kept of what information is on what device?
- Will there be transmission of information over a network?
- Does the device enable access to the medical record or other remote applications, and what exposure does the device create to those applications?

Liability insurance

Dietitians must also consider the extent to which their liability insurance covers virtual or telephone consultations. Dietitians should contact the broker/insurance company who provides their professional liability insurance policy to determine if their coverage includes telephone and/or web-based nutrition counselling.

Summary

In summary, dietitians must continue to be diligent in the security and protection of client/patient information. Dietitians must obtain consent to use virtual, telephone communication and/or related mobile device applications for consultation purposes. Dietitians must continue to document using a secure/encrypted platform. Dietitians must continue to adhere to employer policies, procedures and guidelines, provincial laws and NBAD Code of Ethics.

Reference:

College of Dietitians of Alberta. Virtual, electronic communications during the Pandemic. Retrieved on March 26, 2020 : <http://collegeofdietitians.ab.ca/wp-content/uploads/2020/03/Dietitians-using-Electronic-or-Virtual-Communications.pdf>