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| <b>Section:</b> Privacy                                               | <b>Number:</b> 9.05.G.v3                       |
| <b>Subject:</b> Consent to Participate in a Telemedicine Consultation | <b>Associated Document Form Number:</b> 9.05.F |
| <b>Effective Date:</b> June, 2007                                     | <b>Last Reviewed Date:</b> Sept, 2019          |
| <b>Last Revised Date:</b> Sept, 2019                                  | <b>Next Review Date:</b> Sept, 2021            |

**PURPOSE**

This guideline has been developed to support Ontario Telemedicine Network (OTN) members in the development of a consent process for participation in clinical telemedicine encounters at their site. This guideline is not intended as a substitute for the knowledge, skills and judgment on the part of the involved practitioners nor does it supersede policies, procedures and guidelines as published by an organization, relevant regulatory bodies, professional association, or insurers of its members.

This guideline does not apply to consent for treatment or consent for sharing of personal health information. Please contact the privacy contact at your site for further information.

**BACKGROUND**

The issue of consent has been at the forefront of the telemedicine industry since its inception. Informed consent, in some form, is considered as a requirement for telemedicine, and is regarded as a separate process from consent for treatment. OTN merely acts as a Health Information Network Provider (HINP), Agent, eService Provider or Procurement Agent in the facilitation of Telemedicine Consultations and/or access to and use of Digital Care Solutions. Organizations participating in telemedicine must be aware of and ensure compliance with relevant legislation or regulations that pertain to decision making and consent; and are encouraged to consult legal counsel, relevant professional licensing and regulatory bodies at their discretion.

**GUIDELINE**

The provision of consent may be implied or expressed however we suggest express verbal consent be obtained for the purpose of participation in a clinical telemedicine encounter and/or the use of Digital Care Solutions to deliver or provide access to care. Essential to this process is the demonstration of clear, comprehensive documentation of the informed consent discussion (*Health Care Consent Act, College of Physicians and Surgeons and CNO*) The consent process, properly completed and documented contributes successfully to enhancement of patient autonomy and integrity.

It is recognized that there are circumstances where expressed written consent may be required and/or circumstances where consent is not required, and these scenarios are considered beyond the scope of this guideline. It is recognized that there are circumstances where expressed written consent may be required and/or circumstances where consent is not required, and these scenarios below are considered beyond the scope of this guideline:

- Consent to video tape clinical consultation
- Emergency applications for telemedicine
- Certain Mental Health consultations
- Robotic invasive treatment.

Documentation tools/templates have been developed for member sites to use for reference. Obtaining informed consent for a clinical telemedicine consultation may occur at more than one point of contact for a client receiving clinical telemedicine services. Consent may be obtained at point of referral for a clinical telemedicine encounter i.e. from the referring physician. As well, expressed verbal consent is also sought at the time of the clinical telemedicine encounter.

Critical elements of the consent process include the explanation given to the patient and the dialogue between the HCP and the patient.

## REFERENCES

College of Physicians and Surgeons of Ontario, Policy: [Consent to Treatment](#), Reviewed and updated May 2015

College of Nurses of Ontario, [Consent Practice Guideline](#). Retrieved February 2017

College of Nurses of Ontario, [Practice Guideline. Telepractice](#), February 2017

[Health Care Consent Act](#) (1996) Retrieved June 1, 2017

Information and Privacy Commissioner of Ontario: [Consent and your personal health information](#)

Information and Privacy Commissioner of Ontario:  
[Fact Sheet – Communicating Personal Health Information by email](#), September 15, 2016

[National Initiative for Telehealth Guidelines \(2003\)](#)

## RELATED DOCUMENTS

| Subject                                                         | Number                  |
|-----------------------------------------------------------------|-------------------------|
| Consent to Participate in a Telemedicine Consultation Checklist | <a href="#">09.05.F</a> |