Check for updates

Received: 18 May 2020 | Revised: 25 May 2020 | Accepted: 29 May 2020

DOI: 10.1111/dth.13781

DERMATOLOGIC THERAPY WILEY

LETTER

Teledermatology during COVID-19 pandemic: Ethical and legal considerations about the principles of treatment prescription and privacy

Dear Editor,

Coronavirus disease (COVID-19) is a highly contagious respiratory infection caused by severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2), which was first reported on December 1, 2019, from Wuhan, China.[1] The outbreak has been declared a pandemic on March 11, 2020, and as of May 17, 2020, more than 4 million cases were identified worldwide and more than 300 thousand deaths occurred.[1]

The health officials advised people to stay at home and avoid social contact to limit the transmission of the infection. Besides, due to shortages of medical staff, people have discouraged from applying to hospitals for nonemergency situations. Under these conditions, telemedicine offered great potential to access experts, reduce health care costs, and promote the quality of care. Dermatology is especially suitable for telemedicine as cutaneous conditions are unambiguously visible.[2]

The widespread use of teledermatology throughout the COVID-19 pandemic has raised concerns regarding the ethical and legal implications of this care system. A major concern is data privacy. It is crucial that the maximum protection of patient's data must be guaranteed. This guarantee must be provided not only by those who supply the equipment but also by all health professionals involved. The health care provider in charge should also pay attention when transferring the patient's data for a second opinion and in the data storage. Besides, teledermatologist should have adequate technical knowledge to recognize how data transmitted by computerized media can provide a support for a reliable diagnosis. A data transfer system that meets technical standards and legal obligations must be used. Many authors point out the need for uniform guidelines for maximum security of data, similar to the General Data Protection Regulation in force in the European Union.[3,4]

Mobil messaging applications such as WhatsApp, Viber, and Telegram are common platforms used in teledermatology practice. The portability, speed, and cost-effectiveness are the main advantages of these applications. On the other hand, such platforms have some significant limitations, including poor quality images, legal responsibility, privacy, and ethical issues. It should be kept in mind that mobile applications are not exempt from the relevant ethical and legal regulations and principles.[5,6]

Informed consent, which should be obtained and recorded before conducting the clinical assessment, is another essential element of the teledermatology procedure. Proper informed consent necessitates all information regarding the unique features of telemedicine be explained entirely to patients. The consent process should include a clear and understandable demonstration of how telemedicine works, privacy concerns, the probability of technological failure, prescribing policies, and coordinating care with other health professionals.[4]

When it comes to the legal framework, according to European law, telemedicine is considered as a health and information service. Hence, the regulations relating to health care and the rules relating to information society services are applicable. When practicing teledermatology, the following documents should be considered: Directive 95/46/European Union, General Data Protection Regulation (GDPR), Directive 98/34/EU, Information Society Services Directive, Directive 2000/31/EU, directive on electronic commerce, directive 2002/58/EU, directive on privacy and electronic communication, and directive 2011/24/EU.[7]

Despite many documents, Europe lacks a set of rules on telemedicine and the approach to the system diversifies in countries. Many authors have underlined the need for unified legislation for teledermatology.[7]

Malpractice is another concern when practicing teledermatology. Telemedicine introduces a new form of malpractice that have no difference with the malpractice when the patient being present. Many authors suggested that extended insurance coverage is needed in order to protect telemedicine providers.[4] Appropriate training of teledermatologist is strongly recommended to prevent "telemalpractice."

In conclusion, practicing teledermatology throughout the COVID-19 pandemic may allow easy access to experts, prevent unnecessary long movements, expand the spectrum of available services, and ensure safety of both patients and dermatologists. However, it should be kept in mind that the ethical and legal issues need to be addressed to protect both patients and teledermatologists.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

Ömer Faruk Elmas[1]
Abdullah Demirbaş[2]
Mustafa Atasoy[3]
Ümit Türsen[4]
Torello Lotti[5]

 © 2020 Wiley Periodicals LLC.

[1]Department of Dermatology, Kırşehir Ahi Evran University, Kırşehir, Turkey
[2]Department of Dermatology, Konya Numune Hospital, Konya, Turkey
[3]Department of Dermatology, Health Science University, Kayseri City Hospital, Kayseri, Turkey
[4]Department of Dermatology, Mersin University, Mersin, Turkey
[5]Department of Dermatology, Guglielmo Marconi University, Rome, Italy

Correspondence
Abdullah Demirbaş, Department of Dermatology, Konya Numune Hospital, Konya, Turkey.
Email: abdullah_demrba@yahoo.com

ORCID

Abdullah Demirbaş https://orcid.org/0000-0002-3419-9084
Ümit Türsen https://orcid.org/0000-0002-5807-6759
Torello Lotti https://orcid.org/0000-0003-0840-1936

REFERENCES

1. World Health Organization, Coronavirus Disease (COVID-19) Dashboard. https://covid19.who.int/. Accessed May 17, 2020.
2. Lee JJ, English JC 3rd. Teledermatology: a review and update. *Am J Clin Dermatol*. 2018;19:253-260.
3. Schaffernack I. Legal aspects of teledermatology. *J Dtsch Dermatol Ges*. 2005;3:566-568.
4. Nittari G, Khuman R, Baldoni S, et al. Telemedicine practice: review of the current ethical and legal challenges [published online ahead of print, 2020 Feb 12]. *Telemed J E Health*. 2020. https://doi.org/10.1089/tmj.2019.0158.
5. Jakhar D, Kaul S, Kaur I. WhatsApp messenger as a teledermatology tool during coronavirus disease (COVID-19): from bedside to phone-side [published online ahead of print, 2020 Apr 3]. *Clin Exp Dermatol*. 2020. https://doi.org/10.1111/ced.14227.
6. Black SM, Ali FR. Secure communication conduits during COVID19 lockdown [published online ahead of print, 2020 Apr 17]. *Clin Exp Dermatol*. 2020. https://doi.org/10.1111/ced.14244.
7. Gioia G, Salducci M. Medical and legal aspects of telemedicine in ophthalmology. *Rom J Ophthalmol*. 2019;63:197-207.