

香港中醫藥管理委員會

CHINESE MEDICINE COUNCIL OF HONG KONG

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25 February 2021

Dear Chinese Medicine Practitioners,

Consultation on Guidelines on Professional Ethics for Telemedicine Services

Along with the technological advancement, medical professions across the globe have launched numerous innovative services to cater for the needs of the community, the telemedicine services are experiencing rapid development.

To cope with the development of telemedicine in the Chinese medicine sector of Hong Kong, the Chinese Medicine Practitioners Board (CMPB) of the Chinese Medicine Council of Hong Kong (CMCHK) decides to formulate substantial guidance and guiding principles in respect of telemedicine and issues pertaining to it for the promotion of healthy development of such services in the interest of healthcare quality and safety. The CMPB is now conducting a two-month consultation exercise to seek views from the Chinese Medicine Practitioners on the draft Guidelines on Professional Ethics for Telemedicine Services.

The draft Guidelines on Professional Ethics for Telemedicine Services (*Annex 1*) is attached hereto. If you have any view regarding the draft, please complete and return the enclosed Reply Slip (*Annex 2*), by mail, fax or email (address: Room 2201, 22/F, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong; fax: 2121 1898; email: info@cmchk.org.hk) to the Secretariat of the CMPB **on or before 30 April 2021**.

來函請寄秘書收

Communications to be addressed to the Secretary

The relevant consultation paper has been uploaded onto the CMCHK's website (<https://www.cmchk.org.hk/pdf/telemedicine.pdf>). Should you have any enquiries, please contact Miss Rem PANG at 3162 3765 or Miss Josephine WU at 2121 1859 of the Secretariat.



(Charis CHENG)

Secretary of

Chinese Medicine Practitioners Board,
Chinese Medicine Council of Hong Kong

DRAFT

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 development and technological advancement, the Chinese medicine sector in Hong Kong has been developing telemedicine services to provide patients with more options of services. To promote the healthy development of such services in the public interest of healthcare quality and safety, the Chinese Medicine Council of Hong Kong (CMCHK) has formulated the following guidelines for telemedicine. Given the diversity of telemedicine practice and that the relevant healthcare services are still under development, these guidelines are intended to lay down broad and fundamental principles in respect of provision of telemedicine and associated issues. The CMCHK will revise the guidelines as and when necessary to ensure their appropriateness as society develops.

(1) Definition and Principles

(a) Definition

Telemedicine (whether provided with a fee or not) refers broadly to modes of interaction which are not in-person (including but not limited to telephone, e-mail, applications or social media) between Chinese medicine practitioners¹ (CMPs) and patients in the course of medical consultation and the relevant medical treatments and practices. The relevant medical practices

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

include the provision of medical consultation and treatments, medical advice and prescription of Chinese medicine, etc. for patients in the practice of Chinese medicine.

(b) Principles

When intending to conduct and conducting practise telemedicine, a CMP should have the medical interests of the patient as the CMP's foremost consideration and:

- i. bear the same professional responsibilities as in in-person consultation, and comply with the regulations stipulated in all relevant medical ordinances, the requirements in areas such as professional ethics and conduct, practising rules and medical practice under the codes of conduct for CMPs, as well as any other written or unwritten professional requirements;
- ii. evaluate the clinical context, clinical goals and appropriateness of the employed mode of service delivery and the related equipment to ensure that the patient is suitable for interaction via telemedicine before deciding whether to practise or continue to practise telemedicine for the patient. 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 practice of telemedicine and the related equipment e.g. inability to conduct physical examination on patients (such as pulse diagnosis) as well as concerns about quality and stability of telecommunications. The CMP should ensure that telemedicine is appropriate for the patient's medical condition at the material time;

- iv. have a good and sufficient knowledge of the operation of the equipment and systems for telemedicine consultation, and ensure that the equipment, information system as well as technical support and information security system can meet the needs arising from telemedicine consultation. The CMP should, where necessary, seek professional advice from technical support professional and staff and other relevant parties. If the systems concerned fail to meet the needs for effective consultation and information security, the CMP should conduct consultation by means of other effective alternative methods; and
- v. ensure that he or she is qualified to practise telemedicine in the jurisdiction where the patient is physically situated. These guidelines should not be construed as authorising a CMP in Hong Kong 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 applicable for a patient who is in a stable medical condition and when a CMP has a clear understanding of the patient's physical condition.

- (a) A close "CMP-patient relationship" is the cornerstone to the provision of medical services. Before practising telemedicine, a CMP should take appropriate steps to build a "CMP-patient relationship" based on trust with the patient so that a full understanding of his or her physical and medical conditions can be achieved. 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, a CMP may, in light of the actual circumstances, first learn about the patient's medical and physical

condition by accessing and referring to the patient's medical records 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, a CMP should make sure that the patient has acknowledged, understood and accepted all the essential information, points to note and the risks involved in relation to 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. availability of other suitable alternatives;
- iii. privacy practices;
- iv. operation of the telecommunication systems; and
- v. arrangements for issuance of prescriptions.

- (b) For consultations for children aged under 16, informed consent should be sought from their guardians.

(4) Prescription

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

- (a) comply with the requirements under sections 4(3) to (6) of the Code of

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

- (b) issue a prescription to the patient. The prescription and the signature on it can be in electronic form;
 - (c) provide consultation and prescribe Chinese medicines for children (i.e. persons aged below 16) only in the presence of their guardians;
 - (d) ensure that any instructions or medical advice, e.g. monitoring the patient's condition, are understood by the patient and/or their caregivers;
 - (e) be professionally responsible for the quality of medications delivered to the patient by the CMP. In the case of courier medicine delivery, the patient's name and address should be specified on the medication package and the relevant prescription should be enclosed, so as to avoid any errors or omissions; and
 - (f) 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 where the patient is physically situated.
- (5) Medical Records

When practising telemedicine, a CMP should:

- (a) comply with section 4(2) of the Code of Professional Conduct for Registered Chinese Medicine Practitioners in Hong Kong or the Code of Conduct for Listed Chinese Medicine Practitioners 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.

(6) Patient Privacy and Confidentiality

- (a) CMPs should be committed to ensure that patient privacy is not compromised. Data obtained during a telemedicine consultation should be secured through encryption, and other security precautions should be taken to prevent access by unauthorised persons and leakage of information during data transmission.
- (b) CMPs should be particularly vigilant against any possible security issues specific to the use of electronic communication to protect patient privacy; and adopt effective means to verify the patient's identity when practising telemedicine.

Secretariat of the Chinese Medicine Council of Hong Kong

February 2021

Reply Slip

To: Secretariat of the Chinese Medicine Practitioners Board,
Chinese Medicine Council of Hong Kong
(Please reply **on or before 30 April 2021 (Friday)**)

Post: Room 2201, 22/F, Wu Chung House, 213 Queen's Road East, Wanchai,
Hong Kong

Fax: 2121 1898

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

Regarding the draft Guidelines on Professional Ethics for Telemedicine Services, I have the following views: (please add extra page(s) if the space below is insufficient)

Signature: _____

Name: _____

*Registration No. or Listing No.: _____

Date: _____

* Please delete as appropriate