



Remote Examination Conditions

Date: March 2019

Owner: MedCo Registration Solutions

Summary

With immediate effect and until further notice the ban on remote video medical examinations for the purposes of MedCo reports has been suspended.

The MedCo Board comprises representatives from the claimant, defendant and medical stakeholder groups and each group's position has been considered as part of reaching this decision. The MedCo Board has (unanimously) decided that in light of the current extraordinary circumstances, they can best assist all parties in meeting the government's advice on social distancing etc if the existing ban is suspended. The Board maintain their position that remote examination is not routinely appropriate and will keep the position closely under review. The ban will be reinstated at the earliest possible opportunity.

MedCo recognises the increased demands upon GPs and medical experts in dealing with the current Coronavirus crisis and it is of course understandable in the short term if some examinations have to be postponed to ensure that the right focus can be placed upon treating patients.

Remote Examination Conditions

The following conditions must be adhered to if you intend to use remote video medical examinations:

- Remote examinations should be offered as an option only and no claimant should be unduly pressurised to agree. Neither claimants nor experts should feel coerced in any way to hold either a face to face or remote examination and any such instance of perceived coercion should be reported to the appropriate regulators and MedCo.
- If a claimant insists on a face to face examination, medical experts should contact the claimant direct and advise on the risks and timeframe for doing so.
- For their own protection medical experts should seek to satisfy themselves whether or not the claimant poses a risk to the expert, or their support staff, if they attend a face to face examination in line with the most up to date government advice at the time.

- Experts may choose to defer face to face examinations for those claimants who do not accept remote video examination. Remote video examination should not be offered as an option unless the expert can ensure they can meet all requirements for client confidentiality. This will include ensuring that the claimant is in a suitable location when the remote video examination takes place. Client confidentiality must be maintained.
- Obtaining the claimant’s “informed consent” (see below) before deciding on a face to face or remote examination is of paramount importance and experts, on request, will need to be able to provide documentary proof that such consent was obtained.
- When informing a claimant of the option for a remote video examination the expert should include all pertinent information, including issues of client confidentiality and should advise the confirm that the claimant has sought advice from their legal representative before agreeing.
- Claimants should seek the advice of their legal representative before agreeing to a remote video examination. Legal representatives should ensure that claimants are made aware of all potential risks, including but not limited to the risks that there may be a higher risk of a compensator challenging the report, and possible need for a further report etc.
- All remote examinations must be by video. Voice only examinations will not be acceptable in any circumstances.
- All remote video examinations should be recorded wherever possible and claimants’ prior consent to that should also be obtained and documented. All recordings should be retained until 30 days after the settlement of any claim.
- Those medical experts who are unable to offer the option of remote examinations by video should restrict their appointments to those claimants who, with informed consent, agree to a physical examination as long as the Government advice allows this.
- Where appointments have already been made prior to the date of this notice being issued claimants should be contacted direct and given the opportunity to re-arrange to a later date by either face to face or remote video methods.
- All medical report providers should particularly note that at all times they must comply with all relevant data protection legislation and the statutory duties they impose as well as their own professional regulators’ advice and guidance.

Useful links

<https://www.bartshealth.nhs.uk/remote-consultations-faqs-for-clinicians>

<https://www.gmc-uk.org/ethical-guidance/ethical-hub/remote-consultations>

<https://www.hcpc-uk.org/standards/standards-relevant-to-education-and-training/standards-for-prescribing/high-level-principles/>

<https://www.csp.org.uk/publications/covid-19-guide-rapid-implementation-remote-consultations>

<https://digital.nhs.uk/data-and-information/information-standards/information-standards-and-data-collections-including-extractions/publications-and-notifications/standards-and-collections/dcb3051-identity-verification-and-authentication-standard-for-digital-health-and-care-services>