

Remote Examination Conditions Version 5.0

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Summary

The ban on remote video medical examinations for the purposes of MedCo reports will remain suspended until further notice.

Face to face examinations may be permitted if certain conditions can be complied with.

This revised guidance will be kept under review.

Remote Examination Conditions

If you intend to use remote video medical examinations you should note the following:-

- Examinations by remote means is not a preferred option but will be allowed for the duration of the current crisis only.
- Remote examinations by telephone are not permitted
- Neither claimants or 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.
- The expert and/or MRO should discuss the pros and cons of the proposed method of assessment (i.e. face to face or remote) with the claimant.
- 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.
- If a face to face examination is requested by an MRO and/or expert and/or a claimant this should only be arranged if the following conditions are complied with:
 - The MRO and / or the medical expert has contacted the claimant direct and advised on the public health risks and timeframe for doing so.
 - The examination can be conducted in accordance with current Government guidelines on social distancing and appropriate PPE must be provided and worn by both the expert and the claimant during the examination.
 - The expert must comply with their relevant regulatory bodies' guidelines.

- 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.
- 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.
- When informing a claimant of the option for a remote video examination the expert should include all pertinent information, including that the claimant should seek advice from their legal representative before agreeing.
- Legal representatives should ensure that claimants are made aware of all potential risks including, but not limited to, the fact that there may be a higher risk of a compensator challenging the report, and possible need for a further report etc.
- Recordings of remote examinations are optional but claimants' prior consent to that should also be obtained and documented before recording. All recordings should be retained until 30 days after the settlement of any claim.
- 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. Advice should include how, and in what circumstances, personal data can be used.
- 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.
- Medical experts should include confirmation in their reports, or by covering letter, the following if applicable:-
 - The examination was not a physical one and that it was conducted remotely;
 - Whether or not the claimant had received legal advice prior to agreeing to a remote examination; and
 - That the informed consent of the claimant was obtained prior to proceeding with the examination and evidence of such can be provided on request by the compensator or MedCo.

- Where a medical expert has been indirectly instructed the MRO should ensure that this guidance is complied with in each case prior to confirming a remote examination with the claimant.
- The facility to arrange remote video examinations is temporary and any scheduled remote examinations must be cancelled and rearranged following confirmation by MedCo of the re-introduction of the prohibition.

Useful links

<https://www.gov.uk/government/collections/coronavirus-covid-19-personal-protective-equipment-ppe>

<https://www.england.nhs.uk/coronavirus/wp-content/uploads/sites/52/2020/03/C0044-Specialty-Guide-Virtual-Working-and-Coronavirus-27-March-20.pdf>