

Hot Topics In Risk Management



Every day we hear from our insureds on the Risk Management Hotline, and we will be sharing some of those questions and answers with you.

Our Risk Management Team is here to help you minimize and mitigate Medical Professional Liability risk.



Virtual Voice Assistants and Telemedicine

Q: *Our practice has implemented telemedicine but the program we chose does not have all the features we wanted. We are using Siri on our iPhones for some things. My staff is concerned Siri hears things she shouldn't. Any thoughts?*

A: Many virtual voice assistant programs, such as Amazon's Alexa, Apple's Siri, Microsoft's Cortana, and Google's Google Assistant, are embedded in our cell phones, laptops, tablets, PCs, and other devices. These programs can also work with "smart" speakers to understand and implement commands. Popular smart speakers include Amazon Echo, Amazon Dot, Google Home, and HomePod. Virtual assistants transmit the user's audio to cloud-based storage. Transmission usually requires a key word or "wake word," like "Alexa." Even if the virtual assistant is not activated with a key word, it may always be listening, transmitting, and storing. The programs are so helpful in our personal lives we may be tempted to use them in our professional lives.

Physicians, other healthcare professionals, and practice staff may be tempted to use them for recording notes of patient calls or visits, researching patient-related things on the internet, and retrieving patient medical records. MICA Risk Management Services recommends resisting the temptation until these programs fully comply with the Health Insurance Portability and Accountability Act (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH), and their accompanying regulations.

Amazon and Google report working on compliance for their cloud services, but their smart speakers are not yet HIPAA-compliant. The companies are working out some kinks, such as teaching the assistant programs to differentiate between health or medical words, phrases, processes, and procedures. The programs may also "mishear" a medication or procedure name.

Amazon's Alexa Skills Kit contains "applications" for Alexa to customize Alexa for different voices and purposes, such as games or business. A year ago, Amazon introduced a by-invitation only healthcare application allowing select covered entities and business associates to transmit and receive protected health information. The selected covered entities and business associates are members of and participating physicians and other healthcare professionals in Express Scripts, Cigna Health Today, My Children's Enhanced Recovery After Surgery, Swedish Health Connect, Atrium Health, Livongo, Boston Children's Hospital, Providence St. Joseph Health, and Atrium Health. Amazon has not yet released the results of the use of its healthcare application by these organizations.

Until the makers of virtual assistants and smart speakers can ensure HIPAA and HITECH compliance, physicians and their practices should consider disabling them while engaging in patient telephone calls, in-person visits, and telemedicine. You should also consider setting up the virtual assistants so you must enter a passcode before the virtual assistant is activated. On an iPhone, that means turning off the allow-access-when-locked feature.

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