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Virtual Health Care: Unresolved Legal Issues

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ABSTRACT

As online health care begins to look more like the practice of medicine, a range of legal questions has emerged. This article examines issues of concern to both Internet users and health care practitioners, focusing in particular on the laws relating to negligence and disclaimers. It concludes that interactive contact between doctor and patient in cyberspace may very well be viewed by the courts as akin to the practice of health care and that the typical disclaimer may not insulate practitioners from liability.

In many ways, the United States is moving rapidly toward computer-based health care. For those who are already connected to the Internet, the online world seems to have become a gold mine of interactive health-related information and activity. Chat rooms and newsgroups engage people in online discussions about their respective health problems, and participants are encouraged to share valuable personal information. Individual doctors exchange e-mail messages with their patients, sometimes tying their conversations to the results of simple tests that patients can perform by themselves at home. And prototypes for combining e-mail with video — enabling patients to actually show doctors their physical symptoms — are in various stages of development.

