

# Advocacy White Paper

## E-Health: Navigating The Internet For Health Information

### **INTRODUCTION**

The Internet has become the most important, and potentially the most effective, communication medium the world has ever seen. More recently, the Internet has become a useful education and information tool for healthcare providers and healthcare consumers. E-health is defined as the application of Internet and other related technologies in the healthcare industry to improve the access, efficiency, effectiveness, and quality of clinical and business processes utilized by healthcare organizations, practitioners, patients, and consumers in an effort to improve the health status of patients [1]. With millions of users, the Internet is able to increase access to healthcare information, empower consumers, educate practitioners, and transmit information quickly and cost-effectively. Nevertheless, general healthcare consumers must be wary of the legal, quality, and safety implications of relying on the Internet to meet their informational and educational needs.

### **EVOLUTION OF THE HEALTHCARE CONSUMER**

Today, more people are turning to the Internet for healthcare information. According to an April 2002 Harris Poll, of the 137 million Americans who surf the Internet, more than 60 percent use the resource for health advice. This number has increased approximately 5% from the previous year [2]. The Harris Poll, which has labeled these people “cyberchondriacs,” shows that the Internet continues to be used by vast, and growing, numbers of the general public interested in obtaining information about particular diseases, treatment regimens, or staying healthy.

According to a February 17, 1999, Harris Poll, the diseases that generated the greatest use of the Web were depression (19%), allergies or sinus (16%), cancer (15%), bipolar disorder (14%), arthritis or rheumatism (10%), high blood pressure (10%), migraines (9%), anxiety disorder (9%), heart disease (8%), and sleep disorders (8%). Furthermore, the types of Web pages referenced most frequently include pharmaceutical companies (20%), hospitals (16%), medical societies (40%), and patient advocacy or support groups (32%) [2].

More recently, a 2002 Harris Poll indicated that nearly 90% of adults online would like to be able to communicate with their physicians online. More than two-thirds of these adults would like to be able to do the following tasks: ask questions where no visit is necessary (77%), refill prescriptions (71%), fix appointments (71%), and receive results of medical tests (70%). Furthermore, more than one-third of adults online would be willing to pay out-of-pocket for such a convenience, and most admit that this capability would influence their choice of doctors and health plans [3].

## **LEGAL IMPLICATIONS**

The development of the Internet has opened many opportunities for healthcare professionals and consumers. This fast-paced method of mass communication and information retrieval has exceeded subsequent development in the law. Very little statutory or case law authority exists for e-health today. Furthermore, serious legal issues must be considered when using the Internet for health and medical information dissemination.

First, the area of telehealth has raised legal concerns regarding the practice of healthcare professionals, such as physicians and nurse practitioners, through electronic dissemination of healthcare information. As a result, new legal issues have emerged pertaining to interstate licensure. A practitioner may call upon other healthcare professionals, perhaps in a different state, for their medical expertise. Patient x-rays, lab work, and other medical information may be shared between practitioners via the Internet. However, traditional understanding is that healthcare practitioners may not practice in states where they are not licensed. Today, much consideration has been given to allowing the interstate practice of medicine where telehealth may be used in a sensible manner to benefit the patient and improve health care [4].

Second, major legal challenges have emerged regarding how to protect the privacy of individuals disclosing personal, sensitive, and identifiable health information. There is no greater liability risk than the unauthorized revelation of medical information without proper individual consent. Many states have adopted legislation protecting the confidentiality of medical information of its citizens. Federal law has also put forward comparable but limited contextual protection through the Centers for Medicare and Medicaid Services. Stringent new confidentiality requirements are being developed as part of the regulations under the federal Health Insurance Portability and Accountability Act of 1996 to protect individual privacy and the unauthorized disclosure of privileged information. In addition, sponsors of health-related websites need to take extraordinary steps to protect consumer confidentiality. One way to accomplish this is to have prominently displayed privacy policies posted on their websites [4,5].

Third, sponsors of health-related websites must take precautions to limit liability. To restrict liability, websites should display disclaimers in the form of user agreements. These user agreements should be extensive and concise, and should attempt to cover every plausible risk for liability. E-health websites often use mandatory arbitration clauses in their user agreements in an attempt to minimize liability. This approach compels consumers to give up their right to initiate litigation, leaving them with inadequate protection and few resources. In addition, sponsors of health-related websites must disclose the limitations of the information provided on their site. Health information obtained by the consumer is intended to elicit discussion and communication between the consumer and the primary care physician before a consumer initiates self-treatment or alters an existing treatment regimen. Furthermore, specific policies and procedures should be in place to provide guidance to both consumers and sponsors [4].

Last, the growing popularity of Internet pharmacies has raised new legal concerns. Many Internet pharmacies run lawful business operations that require a consultation from a licensed healthcare practitioner and a prescription for any medication. However, numerous Internet pharmacies bypass both the face-to-face interaction with a licensed healthcare practitioner and the need for a prescription for medication distribution. These illegal websites make it easy for consumers to purchase medications without a proper advisory and put consumers at an increased risk for purchasing contaminated or counterfeit medications, the wrong or outdated medications, the incorrect dose of a medication, or subjecting them to dangerous or lethal drug reactions or interactions.

Furthermore, these illicit Internet pharmacies do not properly warn consumers of the serious side effects associated with taking unnecessary medication, especially antibiotics. The interest in obtaining unprescribed antibiotics from the Internet reached its peak shortly after the September 11<sup>th</sup> terrorist attacks, which threatened some of our communities with the anthrax bacteria. Frightened consumers flocked to Internet pharmacies to purchase Cipro, an antibiotic found to successfully treat some forms and cases of anthrax, without a prescription or proper diagnosis. What the average consumer may not know is that the random and unnecessary use of antibiotics such as Cipro could speed the development of drug-resistant organisms, rendering the antibiotic useless and treatment of illness unsuccessful. Consumers must be wary of putting themselves at risk for adverse side effects or allergic reactions from taking unnecessary and unprescribed medications [6].

### **SAFETY ASPECTS**

Health information, products, and services have the potential to both improve health and do harm. Organizations and individuals that provide health information on the Internet have an obligation to be trustworthy, protect users' privacy, and adhere to standards for best practices for on-line commerce and professional services in health care.

Today, con artists are using the Internet to defraud consumers in a variety of clever ways. Fortunately, law enforcement is on the "cyber-case" by setting up databases, which are able to compile consumer complaints. In addition to putting many of these "dot con artists" out of business, the Federal Trade Commission, the nation's primary consumer protection agency, wants to educate consumers on how not to get caught in Internet scams, especially when it comes to their health and well being [7].

The Federal Trade Commission offers these tips to Internet health consumers [7]:

1. Be wary of extravagant claims about performance or treatment potential. Get all promises in writing and review them carefully before making a payment or signing a contract.
2. Read the fine print and all relevant Internet links. Fraudulent promoters sometimes bury the disclosures that they are wary of sharing by putting them in very small, fine print or in a location where you are unlikely to find them.
3. Look for a privacy policy. If you do not see one or if you do not understand it, seriously consider taking your interests elsewhere.

4. Be skeptical of any company or organization that does not state its name, street address, and telephone number. Web sites should have some form of feedback or contact information available. Check the site out with the local Better Business Bureau or consumer protection office.
5. Always consult a healthcare professional before altering any current treatment regimen or buying a “cure all” product that claims to treat a wide range of ailments or offers quick cures and easy solutions to serious illnesses.

## **QUALITY CONCERNS**

Concern is growing that a considerable portion of Internet health information may be inaccurate, invalid, misleading, or fraudulent, and consequently pose a threat to public health. To date, it is unclear how the quality of health websites should be evaluated and rated. Although numerous resources have been established to review and rate the quality of health information websites, this important question lingers: How do we make consumers aware of such tools and educate them to use the tools appropriately? Among numerous tools available to rate website content, HON and URAC are two not-for-profit groups that help set the standard for acceptable and optimal health content on the Internet. The Health On the Net Foundation (HON) has established ethical standards and a guide for consumers to find useful and reliable information on the Internet [8]. The Utilization Review Accreditation Commission (URAC) strives to empower consumers and has developed quality and accountability measures and standards for health-related websites [9].

Mitretek Systems, supported by the Agency for Healthcare Research and Quality (AHRQ), assembled a Health Summit Working Group that developed seven criteria for use in evaluating the quality of health information provided on the Internet. These criteria are intended as a resource for consumers seeking health-related information on the Internet and should aid in evaluating information to determine whether it is usable and credible [10]:

1. **Credibility:** Credibility includes the source, author(s), and sponsors, currency of information, relevance and utility of information, and editorial review process for the information.
2. **Content:** Content must be accurate, complete, and provide an appropriate disclaimer.
3. **Disclosure:** Disclosure includes informing the user of the purpose of the website, as well as any profiling or collection of personal information associated with using the website.
4. **Links:** Internet links are evaluated according to their relevance to the primary website’s focus, content, and back linkages.
5. **Design:** Website design consists of accessibility, logical organization (navigability), and the provision of an internal search capacity.
6. **Interactivity:** Interactivity includes establishment of a feedback mechanism and channel for exchange of information among users.
7. **Caveats:** Caveats take into account the clarification of whether the website

function is to market products and services or to act as a primary information content provider.

## **CONCLUSION**

The Internet has triggered an information revolution of exceptional magnitude. The Internet is a wonderful tool to help general public consumers become more educated and empowered on health conditions, treatments, and alternatives. However, consumers must evaluate this information at arm's length and must always consult with their primary care physician prior to trying something new or altering an existing treatment regimen. While the concepts of the legality, safety, and quality of Internet health information are important, the recurrent theme represented in each of these topic areas is consumer privacy. Furthermore, owners and sponsors of health-related websites must take responsibility for the legal implications, safety issues, and quality concerns of their web content on the health of the public at large. Only then will we be able to make the best use of this brave new world.

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## Key Words

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Health Consumers  
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