

Chapter I

Online Medical Consultations: Legal, Ethical, and Social Perspectives

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Abstract

The growth of the Internet over the last 10 years as a medium of information and as a communication technology has provided the opportunity for selling medical products and services online directly to the public. This chapter investigates on-line medical consultations used for the purpose of prescribing and hence selling prescription drugs via the Internet. With consumers in mind, this chapter takes a critical look at this growing phenomenon from three perspectives—legal, ethical, and social—as a basis for discussion and to illustrate the problems raised by using the Internet in this way. The chapter concludes that online medical consultations pose greater dangers to patients compared to traditional off-line consultations. The chapter also concludes that while new technologies may aid doctors in making better diagnoses at a distance, they often bring new concerns. Finally, the chapter gives suggestions on safeguarding online consumers.

Introduction

The growth of the Internet over the last 10 years as a medium of information and as a communication technology has, not unsurprisingly, provided a foundation for the growth of direct-to-the-public online sales. Amongst the many commercial activities that are now flourishing in this environment are Internet pharmacies (e-pharmacies, cyber pharmacies), providing a variety of products (e.g., health and beauty products) as well as prescription drugs. Some pharmacies only dispense drugs with a valid prescription, some provide online consultations for prescribing and dispensing medicines, and some dispense medications without a prescription (Radatz, 2004).

Internet pharmacies provide various benefits to consumers but also bring many problems for regulators and consumers (George, 2005). Benefits include the ease and convenience of 24-hour shopping, increased consumer choice of products, increased consumer information, and information exchange between patient and pharmacist, generally lower costs, privacy, and availability of alternative treatments. Problems include uncertainty about the purity and quality of drugs sold, risks of buying drugs online, for example, related to foreign labels and use of different drug names in different countries, dispensing prescription drugs without a prescription, and the issuing of prescriptions through online consultations but without prior physical examination by a licensed physician. This latter aspect provides the focus of this chapter.

The chapter will first discuss online consultations, identifying various concerns. It will then discuss the various legal, social, and ethical issues related to this growing practice. The role of information technology both in terms of creating such problems but also possibly facilitating solutions will be examined. Finally, the chapter provides some suggestions on how consumers can be safeguarded in the future.

Online Medical Consultations

Many Internet pharmacies provide online consultations as a first step towards selling prescription medicines online. These consultations usually require that a potential customer fill out an online questionnaire. A 2007 study by the U.S. National Centre of Addiction and Substance Abuse (CASA, 2007) concluded that:

- Between 2004 and 2006 there was an increase in the number of Internet pharmacies (not requiring prescriptions) offering an online consultation: 2004—53% (76), 2005—57% (84), and 2006—58% (90);

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