



MEDICAL PRACTICE VIA TELEMEDICINE:

TALKING POINTS AND FAQs



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Assure that your licensing boards:

- Understand the state and diversity of telemedicine professional practices;
- Know the uses of telemedicine in the state; and
- Regulate telemedicine practices comparably to in-person practices or appropriately recognize clinical differences between telemedicine and in-person services.

ISSUE	RESPONSE
What's the difference between in-person vs. face-to-face encounters?	In-person means that the provider and patient are physically in the same room. Face-to-face often includes a provider and patient using interactive audio-video conferencing to interact.
What's the difference between telemedicine vs. telehealth?	The terms are often used interchangeably. Some use telemedicine to refer to physician services and telehealth for broader health applications ATA defines telemedicine/telehealth as the provision of health services to a patient by a health care provider from a distance.

<p>My board is proposing new regulations for telemedicine. How should I respond?</p>	<p>As much as possible, the practice of telemedicine should not be regulated differently than in-person care. While there are important clinical differences that should be recognized, allowed, and appropriately regulated, the provision of telemedicine should not be held to a different standard than in-person care.</p> <p>The proposal may provide the board with more enforcement options and discretion by maintaining an equivalent standard of care for all medical services regardless of delivery method. Such a regulatory structure mitigates the situation of “bad actors” technically meeting the telemedicine requirements and thereby avoiding board action, as the board has a broader ability to uniquely evaluate each case and determine if the standard of care was met when using telemedicine under the circumstances</p>
<p>My board is proposing new regulations that would require patient informed consent, an in-person follow-up, and telepresenter. How should I respond?</p>	<p>The practice of medicine by telemedicine, including the issuance of any prescription via electronic means, shall be held to the same prevailing and usually accepted standards of medical practice as those in traditional in-person settings. Therefore, standards of practice requirements should apply to all licensees regardless of their method of providing care.</p>
<p>Telemedicine is a disruptive.</p>	<p>YES, but in the best sense of the word. This is positive for providers and patients who have more opportunities for delivering and receiving care because of telemedicine.</p>
<p>Our state does not need telemedicine. We have enough specialty physicians and all patients are satisfactorily served.</p>	<p>Medically underserved areas (MUAs) and health professional shortage areas (HPSAs) exist all over the country. These areas may be designated as having inadequate access to or a shortage of primary medical care, dental or mental health providers. This may include urban or rural areas, population groups or medical or other public facilities with minimal access to care. The U.S. Health Resources and Services Administration estimates that there are 6,100 primary care HPSAs, 4,900 dental HPSAs, and 4,000 mental health HPSAs.</p>

	<p>Patients and providers should not be penalized for using such cost-saving and quality-improving methods.</p>
<p>There are no statutes, regulations or board opinions about telemedicine in my state. Does this mean that telemedicine is illegal in my state?</p>	<p>The absence of unique telemedicine language does not prohibit the use of telemedicine. If there are no unique laws regulating the practice of medicine using telemedicine, then the standard of care is the same as for similar in-person medical services.</p> <p>Contact your medical board to verify the rules in your state.</p>
<p>What type of license do I need to use telemedicine?</p>	<p>Some states offer a conditional or special telemedicine license/certificate for out-of-state physicians.</p> <p>Contact your medical board to verify licensing requirements.</p>
<p>Do I need multiple licenses to use telemedicine across state lines?</p>	<p>Unless they meet a rare exception, physicians practicing medicine across state lines are now required to have a license also in every state where one of their patient is located.</p> <p>Contact your medical board to verify licensing requirements.</p>
<p>Can I prescribe controlled substances using telemedicine?</p>	<p>In general, federal law (the Ryan Haight Online Pharmacy Consumer Protection Act) prohibits the use of telemedicine to prescribe controlled substances in the absence of at least one in-person evaluation. However, this Act has some very specific alternatives for telemedicine.</p> <p>Also, some have additional restrictions. Contact your medical board and pharmacy board to verify the rules for prescribing controlled substances via telemedicine.</p>

<p>Can I prescribe non-controlled substances using telemedicine?</p>	<p>Yes, but some state medical boards and/or pharmacy boards require an in-person encounter and/or in-person physical exam.</p> <p>Additionally, some state boards prohibit the use of some modalities, such as the telephone and online questionnaires, to prescribe medications.</p> <p>Contact your medical board and pharmacy board to verify the requirements for prescribing non-controlled substances using telemedicine.</p>
<p>My payer has different telemedicine requirements than my medical board? Whose rules should I follow?</p>	<p>Your medical board trumps your payer. Your medical board is responsible for establishing medical practice standards, issuing licenses, and disciplining healthcare providers who do not follow the established standards of care. Deviating from any guidelines set by your board may be interpreted as unprofessional conduct and risk disciplinary action.</p> <p>Billing conditions set forth by your payer are required for payment compliance only. Deviating from any guidelines established by your payer may result in a claim denial.</p>
<p>Can a physician-patient relationship be established via the phone?</p>	<p>Some states explicitly prohibit the use of telephone or other audio-only modality to establish a physician-patient relationship depending on the clinical circumstance.</p> <p>Contact your medical board for guidance on which telemedicine modalities are clinically permissible given the applicable circumstances of the patient encounter.</p>
<p>My board has specific telemedicine standards. Can I make an appeal?</p>	<p>Some medical boards may allow telemedicine providers to appeal in-person or in writing for an exemption from the stated rules. Keep in mind, some medical boards may be able to grant a waiver from their own board rules, but cannot grant waivers from statutes enacted by</p>

	<p>the state legislature. Appeals processes and requirements vary by state and are not always guaranteed.</p> <p>Contact your medical board for more information on the appeals process.</p>
<p>Can I supervise a physician assistant or advance practice nurse via telemedicine?</p>	<p>Some states do not allow PAs or NPs to practice independently and require that they be supervised by a licensed physician.</p> <p>Contact your medical board to verify whether telemedicine is permissible for remote supervision.</p>