

CORONAVIRUS RISK ALERT #1

Proactive Preparation, Not Panic

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General Issues to Consider

As with any potential emergency situation, a little planning can go a long way.

Should you need to close your office (due to the coronavirus or other type of emergency), think about how this will be communicated to patients.

- Do you have current contact information for your patients?
- Can you leave an outgoing voicemail message for patients that includes alternate contact information for you?

Also, if the office is closed, consider whether you will have access to medical records and if not, how you might compensate for this situation such as contacting the patient's pharmacy or your state's prescription monitoring program for current prescription information.

Remote Treatment

In the event it is necessary to close your office, here are some risk management reminders about ways in which to provide remote treatment to patients.

If you are not currently using telepsychiatry, you may find it easiest to communicate with your patients via telephone.

Should you choose to treat patients via telemedicine, the platform you use should be HIPAA compliant. Specifically, if any protected health information (PHI) is stored by the platform, regardless of length of time, the vendor must provide you with a Business Associate Agreement (BAA) promising to protect your patients' information. Note that free Skype is not HIPAA compliant, as Microsoft will not provide a BAA.

If your patient lives in a different state from you:

- Remember you are deemed to be treating your patient where he/she is physically located at the time of treatment. If you don't happen to be licensed in that state, there are potential licensure issues that should be considered – particularly if the ongoing office closure results in your need to communicate with the patient over an extended period of time. If that occurs, we recommend that you contact the patient's state licensing board to see if in this limited, emergency situation, you can treat your current patient remotely in that state without a license.
- If you will be prescribing controlled substances remember, because you generally need a DEA registration in the patient's state to prescribe controlled substances, patients may not be able to receive necessary medications from their local pharmacies if they reside outside of your practice state.

If you are considering seeing new patients remotely, remember that under current federal law, you generally need to have one in-person visit prior to prescribing controlled substances.

We hope you find this information useful! As always, please contact us with any questions or concerns.



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