

CORONAVIRUS RISK ALERT #4

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April 6, 2020

We wanted to make sure you were aware of all of the various resources related to telepsychiatry and COVID-19:

From the federal government:

The **DEA** has issued a statementⁱ confirming the public health emergency declaration exception to the required one in-person visit prior to prescribing controlled substances under the Controlled Substances Act, as amended by the Ryan Haight Act. They have also temporarily waivedⁱⁱ the requirement to have a DEA registration in the patient's state.

The **FDA** has issued guidanceⁱⁱⁱ related to REMS requirements, such as required lab monitoring that cannot be done by home-bound patients.

OCR has issued several HIPAA-related resources:

- The Office for Civil Rights (OCR)^{iv}, the agency responsible for HIPAA enforcement, has exercised "its enforcement discretion and will waive potential penalties against health care providers that serve patients through everyday communication technologies during the COVID-19 nationwide public health emergency. This exercise of discretion applies to widely available communication apps, such as FaceTime or Skype, when used in good faith for any telehealth treatment or diagnostic purpose, regardless of whether the telehealth service is directly related to COVID-19."
- Telemedicine FAQs^v
- Information sharing^{vi}
- Coronavirus-related cyber scams^{vii}
- OCR posted on its Privacy and Security listserves an alert about reports of someone posing as an OCR investigator contacting providers by telephone seeking patient information.^{viii}

SAMHSA has put out various resources including:

- Coronavirus Resource page^x
- Guidance on disclosures under the medical necessity exception^x

CMS has relaxed several requirements^{xi} for the provision of and payment for telemedicine services to federal healthcare program beneficiaries, such as Medicare patients.

From professional organizations:

From the **ASAM**:

- General information^{xii} on treating addiction during this pandemic
- Specific recommendations^{xiii}, including for adjusting drug testing protocols

From the **AMA**:

- Quick Guide to Telemedicine^{xiv}
- Helping Private Practices^{xv} Navigate Non-Essential Care During COVID-19

From the **APA**:

- Coronavirus Resources^{xvi}
- Practice Guidance^{xvii}

- I. <https://www.deadiversion.usdoj.gov/>
- II. [https://www.deadiversion.usdoj.gov/GDP/\(DEA-DC-018\)\(DEA067\)%20DEA%20state%20reciprocity%20\(final\)\(Signed\).pdf](https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-018)(DEA067)%20DEA%20state%20reciprocity%20(final)(Signed).pdf)
- III. <https://www.fda.gov/media/136317/download>
- IV. <https://www.hhs.gov/about/news/2020/03/17/ocr-announces-notification-of-enforcement-discretion-for-telehealth-remote-communications-during-the-covid-19.html>
- V. <https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf>
- VI. <https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf>
- VII. <https://www.us-cert.gov/ncas/current-activity/2020/03/06/defending-against-covid-19-cyber-scams>
- VIII. <https://list.nih.gov/cgi-bin/wa.exe?A1=ind2004&L=OCR-PRIVACY-LIST>
- IX. <https://www.samhsa.gov/coronavirus>
- X. <https://www.samhsa.gov/sites/default/files/covid-19-42-cfr-part-2-guidance-03192020.pdf>
- XI. <https://www.cms.gov/files/document/medicare-telehealth-frequently-asked-questions-faqs-31720.pdf>
- XII. <https://www.asam.org/>
- XIII. <https://www.asam.org/Quality-Science/covid-19-coronavirus/adjusting-drug-testing-protocols>
- XIV. <https://www.ama-assn.org/practice-management/digital/ama-quick-guide-telemedicine-practice>
- XV. <https://www.ama-assn.org/delivering-care/public-health/helping-private-practices-navigate-non-essential-care-during-covid-19>
- XVI. <https://www.psychiatry.org/psychiatrists/covid-19-coronavirus>
- XVII. <https://www.psychiatry.org/psychiatrists/covid-19-coronavirus/practice-guidance-for-covid-19>



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