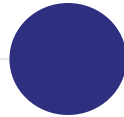


TELEPSYCHIATRY – MANAGING THE MAYHEM



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February 17, 2021

Mr. Cash has no financial relationships
with commercial interests to disclose

DISCLAIMERS

- Nothing presented here is legal advice
- Even prior to COVID-19, there were many telepsychiatry questions that had no answers
- There is little consistency in how states are addressing telemedicine

DISCLAIMERS

- Things can change daily
 - › Federal regulators are relaxing requirements
 - › States are relaxing requirements
- What is true today may not be true tomorrow

OBJECTIVES

- Explain at least two modifications to the regulatory requirements for telepsychiatry, based on the pandemic
- Discuss how the pandemic affects the standard of care for the delivery of psychiatric services
- Understand the various possible implications when the federal government's Public Health Emergency expires

TELEPSYCHIATRY CHECKLIST – MODIFIED PER CORONAVIRUS UPDATES (9/2/20)

- I have reviewed my state’s law on telemedicine, including, but not limited to:
 - In-person examination requirements
 - Prescribing requirements

3/19/20: States may be relaxing some of these requirements given the need for individuals to stay home.

- If I’m located in a state where I’m not licensed, and I’m not seeing any patients located in that state:
 - I have confirmed with that state’s licensing board that no license is necessary to treat out-of-state patients.

- If a patient will be treated in a different state:
 - Licensure
 - I am licensed in the patient’s state, all state requirements are met (CME requirements, PMP requirements, etc...)

www.prms.com/media/2337/telepsychiatry-checklist-3-19-20.pdf

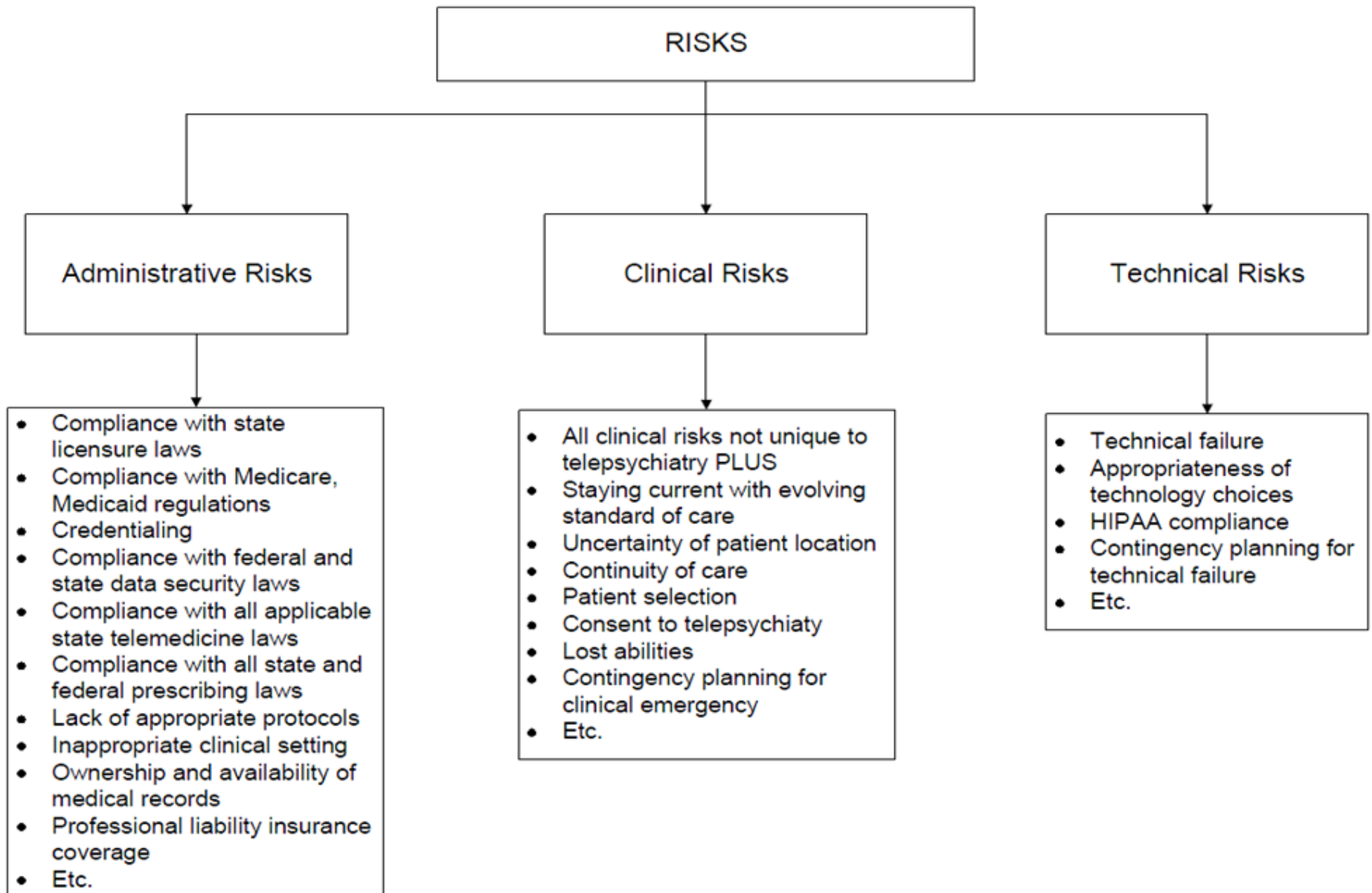
Coronavirus FAQs

UPDATED: February 10, 2021

NOTE: Please remember that we are all operating in uncharted territory and there are very few clear answers. This is a very fluid situation and recommendations may change based upon events or guidance from the federal and state governments. Please check back often for updates.

IF YOU ARE NOT INSURED THROUGH PRMS: Please do not rely on this information as more than one company's risk management thoughts. Nothing presented here is legal advice. You should check with your own risk managers.

www.prms.com/faq



RISK MANAGEMENT STRATEGIES

Collect Information

- About relevant licensure laws
- About laws (treatment, telemedicine, etc.) from patient's state
- About reimbursement
- About HIPAA compliance
- About telepsychiatry technology set-ups
- About professional liability insurance coverage
- From patient
- From other providers
- From state PM
- Etc.

Communicate

- With patient
- With all treating providers
- Consent to telepsychiatry
- Protocols
- Etc.

Carefully Document

- Contract with third party vendor
- Business Associate Agreement
- Clinical record
- Protocols
- Etc.

RISK MANAGEMENT ADVICE - WHEN CONSIDERING TELEPSYCHIATRY

- Define your telepsychiatry endeavor
 - › What you want to do
 - › What technology you want to use
- Determine all relevant laws and other standard of care factors
- Evaluate your ability to comply with legal requirements
 - › E.g., Ensure all relevant medical boards allow you to do the exact telepsychiatry activities you want to do and with the technology you want to use
 - Licensure requirements
 - Physical examination requirements
 - Etc.
- Understand the importance of the location of the patient, both for legal and clinical reasons

RISK MANAGEMENT ADVICE – WHEN CONSIDERING TELEPSYCHIATRY

- Understand that the standard of care does not change with technology
- Evaluate the impact of your proposed telepsychiatry endeavor on your ability to meet the normal standard of care
 - › In addition to meeting all care issues not unique to psychiatry, there are additional care issues related to telepsychiatry that must also be met
 - › Understand that technology is a tool that can partially restore lost abilities to evaluate and treat patients at a distance, but technology itself cannot completely restore all lost abilities
 - › Formulate strategies to:
 - Comply with all applicable laws
 - Restore lost abilities where possible
 - Avoid situations where needed abilities cannot be restored
- Inform your Underwriter of your planned telepsychiatry activities

RISK MANAGEMENT ADVICE - WHEN DOING TELEPSYCHIATRY

- Consider what will be “lost” when treating individual patients re:
 - › Communication
 - › Ability to diagnose and treat
- Ensure the ability to treat individual patients within the standard of care
 - › Carefully evaluate whether a particular form of telepsychiatry is appropriate for a given patient
 - At the beginning of treatment
 - AND at clinically significant events
 - AND periodically as treatment progresses
 - › Determine whether and how the particular form and method of treatment will help the patient progress toward legitimate treatment goals
- Ensure patients have a basic understanding of the technology being used and appreciate its limitations

RISK MANAGEMENT ADVICE - WHEN DOING TELEPSYCHIATRY

- Prepare for possible emergencies by having patient addresses and local emergency services numbers available
- Utilize a consent form wherein the patient acknowledges
 - › the possibility of a privacy / security breach
 - › the possibility that medical conditions may not be able to be observed remotely
- Include in documentation of session
 - › that session was conducted via telepsychiatry
 - › why this method was chosen for this patient
 - › why it continues to be an appropriate treatment option
- Continually re-evaluate physician and patient level of satisfaction

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<https://prms-oewmw.formstack.com/forms/njccap>

If you would prefer to request and submit these forms by email, you can send the request to seminars@prms.com.

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