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Ideas. Experience. Practical answers.

Leveraging Telehealth Approaches in Rural Public Health Practice

Dakota Conference on Rural and Public Health
Grand Forks, ND
June 13, 2018

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Welcome!
What brings you here?

❑ I am **new** to telehealth and am interested in learning more about it.

❑ My organization is **considering** using telehealth.

❑ My organization is currently **using** telehealth.

❑ My organization works on **research or policy issues** relating to telehealth.

❑ **Other?**

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The Network for Public Health Law: Public Health Legal Support — National Scope with Local Expertise

» **Five Regional Offices provide local and state support**

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Five Regions

National Office/Northern Region

» **TSNE MissionWorks (Minneapolis Office)**

Eastern Region

» **The University of Maryland School of Law working with the John Hopkins Bloomberg School of Public Health**

Mid-States Region

» **University of Michigan School of Public Health**

Southeastern Region

» **University of North Carolina Gillings School of Global Public Health working with the National Health Law Program**

Western Region

» **Sandra Day O'Connor College of Law at Arizona State University**

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First Things First:
Expanding Broadband Access

- **Broadband Access**
  - **Referred to as a "super-determinant" of health**

- **Broadband Deserts**
  - **34 million people lack broadband access, including 23 million Americans in rural areas**

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Telehealth Examples

- **Video Directly Observed Therapy** – Tuberculosis Medication Monitoring
- **Family Home Visiting** – Online Parent Support Services
- **Substance Abuse Treatment** – Telehealth Tools to Address the Opioid Crisis

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Telehealth Examples (Cont.)

- **Telemental Health** – Virtual Counseling
- **Community Paramedicine** – Connecting Patients in their Homes with Caregivers Elsewhere
- **Project ECHO** – "Extension for Community Healthcare Outcomes"

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Case Study:
Telehealth as a Tool in TB Elimination

- **Treatment and containment of active tuberculosis (TB) remains a serious national public health concern.**

- **In 2017, a total of 9,093 TB cases were reported in the United States.**

- **Increasing efforts to detect and treat latent TB infection is critical to resuming progress toward TB elimination. Telehealth could be a useful tool in a robust TB control program.**

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Directly Observed Therapy (DOT)

- **Global standard of care.**
- **Method in which a health care worker or other designated individual watches the patient swallow every dose of the prescribed medication.**
- **Helps patients adhere to their treatment regimens.**
- **Challenges: Time-consuming; costly; especially difficult to deliver in rural communities**

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Video Directly Observed Therapy (VDOT)

- **Health care workers observe patients taking prescribed medication remotely via a webcam or smartphone**
- **Promise for cost savings**
- **Patients and providers have reported satisfaction with use of the technology**

MN VDOT Toolkit and Legal Resources

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- <u>Minnesota</u>: Minn. Dep't of Health, Video Directly Observed Therapy (VDOT) Tool Kit, http://www.health.state.mn.us/divs/idepc/diseases/tb/lph/vdot/index.html.

Privacy & Security

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HIPAA and State Data Practices Statutes

- **Duty to keep information regarding patients' treatments confidential and to safeguard a patient's medical records.**
- **Business Associate Agreements with telehealth software provider.**

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Reimbursement

Legal Developments
- **Forty-nine states and D.C. have some form of telehealth coverage in their Medicaid programs.**
- **Thirty-eight states and D.C. have laws governing private payer reimbursement for telehealth.**
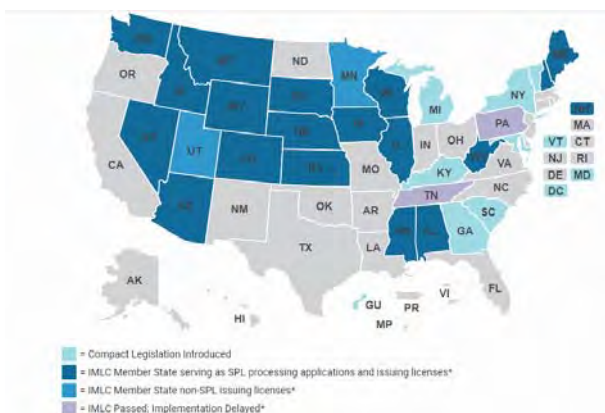
Challenges Remain
- **Local health department billing capacity.**
- **Administrative clarifications are still needed to ensure reimbursement for particular services.**
- **Medicare reimbursement policy lags behind.**

Source: CTR. FOR CONNECTED HEALTH POLICY, STATE LAWS AND REIMBURSEMENT POLICIES, http://cchpca.org/state-laws-and-reimbursement-policies.

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Interstate Medical Licensure Compact

- **Voluntary expedited pathway to licensure for qualified physicians who wish to practice in multiple states**

- = Compact Legislation Introduced
- = IMLC Member State serving as SPL processing applications and issuing licenses*
- = IMLC Member State non-SPL issuing licenses*
- = IMLC Passed; Implementation Delayed*

Source: Interstate Medical Licensure Compact, http://www.imlcc.org/.

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Other Legal Issues

Informed Consent
- Some states have telehealth-specific statutory requirements relating to consent.

Medical Malpractice
- Regulations vary by state; Providers practicing medicine across state lines must ensure that their malpractice liability insurance policy extends coverage to multiple states.

Prescribing
- Some states require that an in-person physical examination occur prior to writing a prescription.

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Telehealth Best Practices

1. Assess organizational readiness for telehealth.

2. Seek stakeholder support and engagement; focus on patient experience.

3. Adopt patient inclusion/exclusion criteria from the outset and a plan for modification, if needed.

4. Implement appropriate administrative, physical, and technical safeguards to protect patient information.

5. Involve your technical leadership and legal counsel in program planning.

6. Keep abreast of current laws and regulations that may impact your telehealth program.

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Telehealth Best Practices

7. **Build back-up systems into your telehealth program in case of technical failure.**

8. **View grants as "seed funding" and actively seek long-term sustainability from the outset.**

9. **Establish short and long-term performance goals.**

10. **Evaluate the strengths/weaknesses of your program on a regular basis and share your lessons learned and successes!**

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True or False?

Question 1:

Using Skype is a HIPAA-compliant form of telemedicine.

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True or False?

Question 2:

Private health insurance carriers are required by North Dakota law to reimburse a health care provider for services delivered via telemedicine on the same basis and at the same rate as the carriers would apply to those services if the services had been delivered in person.

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True or False?

Question 3:

North Dakota's Medicaid Program covers live video telemedicine services.

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Additional Resources

- American Telemedicine Association: http://www.americantelemed.org/home
- California Telehealth Resource Center – Best Practices: http://www.caltrc.org/knowledge-center/best-practices/
- Center for Connected Health Policy: http://cchpca.org/
- Consortium of Telehealth Resource Centers: http://www.telehealthresourcecenter.org/
- Great Plains Telehealth Resource and Assistance Center: http://www.gptrac.org/
- Harris County Public Health and Environmental Services – Tuberculosis Video Directly Observed Therapy Implementation Guide: http://publichealth.harriscountytx.gov/Portals/27/Documents/Organization/DCCP/TB/Vdot_booklet.pdf
- Minnesota Department of Health – TB Information and Resources for Local Health Departments: http://www.health.state.mn.us/divs/idepc/diseases/tb/lph/index.html
- Rural Health Information Hub (RHIhub): https://www.ruralhealthinfo.org/topics/telehealth

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Network Resources

» **Fact sheets, tables of state laws, legal briefs and more**

» **Monthly webinar series**

» **Public health lawyer directory**

» **Library of legal assistance questions and answers**

» **External resources**

» **Network newsletters**

» **Events**

www.networkforphl.org

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Legal Technical Assistance

- **The Network provides legal technical assistance, and the information provided in this presentation should not be considered legal advice.**

- **If you need legal advice or representation on a particular matter, I would encourage you to contact an attorney licensed to practice law in your jurisdiction.**

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Questions?

Thank you for your attention!