



Can I Prescribe to Patients via Telehealth?

Telehealth & Telemedicine Crash Course

July 25, 2017

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Presented by





Theresa E. Thompson

Associate

tthompson@ebglaw.com

Tel: 202-861-1877

Agenda



- 1. Do I need a special license to prescribe via telehealth?
- 2. Is it within my scope of practice to remote prescribe?
- 3. What are the criteria for establishing a practitioner-patient relationship?
- 4. What drugs and substances can be prescribed remotely?

Regulation of Telehealth Services



State Telehealth Laws and Medicaid Program Policies



DEFINITION

states and the District of Columbia have a definition for telehealth, telemedicine, or both



LOCATION

a few states have required a certain amount of distance between the provider and patient



In New Hampshire, Medicaid patients must be located in a rural area, as defined by Medicare

In South Dakota, an originating site and a distant site cannot be in the same community



www.cchpca.org March 2017

MEDICAID REIMBURSEMENT

states & DC reimburse for

live video through Medicaid

states rarely view email/phone/fax as acceptable forms of service delivery

states reimburse for emote patient monitoring

offer reimbursement through their **Department of Aging Services**

> states reimburse for a transmission/facility fee

CONSENT

states reimburse

for store and

forward

states include some sort of informed consent



ONLINE PRESCRIBING

Internet/online questionnaires are not adequate; states may require a physical exam prior to a prescription

PRIVATE PAYER LAWS

states and the District of Columbia have active laws

CROSS STATE LICENSURE



states issue special licenses or certificates for telehealth

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Do I need a special license to prescribe via telehealth?



States

- Most states require licensure within the state where the patient is located
- Some states offer licensure through compact
- An additional, special license generally is not required to remote prescribe

Federal

- The Ryan Haight Online Pharmacy Consumer Protection Act of 2008 includes a process for creating a special telemedicine registration
- No such registration has been made available yet
- Only applies to prescription of controlled substances

Is it within my scope of practice to remote prescribe?



Physician v. Practitioner APRNs & PAs?

The Role of Compacts



What are the criteria for establishing a practitioner-patient relationship?



In-person
Physical
Examination

Physical Examination (Not defined)

Examination by "Other Means"

Arkansas

"professional relationship" requires an "in-person physical examination"

New Jersey

"Perform an appropriate history and physical examination"

South Carolina

"evaluation need not be in-person if the licensee employs technology sufficient to accurately diagnose and treat"



What are the criteria for establishing a practitioner-patient relationship?



Comply with the standard of care

Verify patient identity and location

Audio/visual technology – phone/online questionnaire insufficient

In-person exam "if medically necessary"

What drugs and substances can be prescribe remotely?

State Law Restrictions

- Alaska:
 - May not remote prescribe controlled substance w/o physical examination
- Texas:
 - Face-to-face or in-person "physical exam" prior to remote prescribing controlled substance or dangerous drug

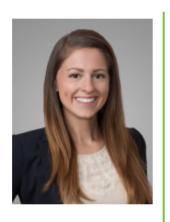
Ryan Haight Act

- Prohibits dispensing controlled substances via the internet without a "valid prescription"
- Valid prescription:
 - Issued for a legitimate medical purpose
 - Physician must conduct at least one in-person medical evaluation of a patient before remotely prescribing any controlled substances



Questions?





Theresa E. Thompson

Associate

tthompson@ebglaw.com

Tel: 202-861-1877



Thank you.