# Speaker

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# Telehealth Risks in the Physician Office Practice & Rural Health Clinic

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**LHA TRUST FUNDS**

**MALPRACTICE ▪ GENERAL LIABILITY ▪ WORKERS' COMPENSATION**

# Disclosures

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# Objectives

- Provide an overview of telehealth after COVID-19

- Discuss risks of conducting telehealth visits in the physician office practice/rural health clinic setting

- Discuss best practices to limit liability in the physician office practice/rural health clinic setting

# Telehealth

## Pre-Covid 19

- Limited Telehealth Regulations

- Practice not defined

- Healthcare Utilization
  - Tele-Radiology
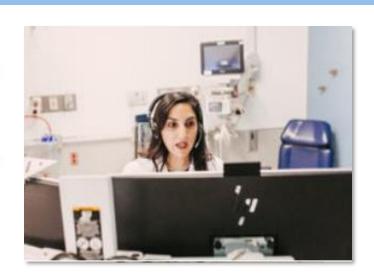  - Tele-Stroke/Neurology
  - Tele-Psych

# COVID-19 Outbreak



HEALTH

## Doctors and Patients Turn to Telemedicine in the Coronavirus Outbreak

The use of virtual visits climbs as a way of safely treating patients and containing spread of the infection at hospitals, clinics and medical offices.

By Reed Abelson

PRINT EDITION  Virtual Health's Turning Point: The Public Turns to Telemedicine | March 12, 2020, Page B4
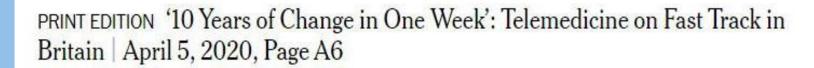
# COVID-19 Outbreak



EUROPE

## Telemedicine Arrives in the U.K.: '10 Years of Change in One Week'

With the coronavirus pandemic turning doctors' offices into no-go zones, family physicians are now doing many of their consultations online or by telephone.

By Benjamin Mueller

PRINT EDITION '10 Years of Change in One Week': Telemedicine on Fast Track in Britain | April 5, 2020, Page A6

# COVID-19 Outbreak

- Rapid transition to telehealth

- Emergency orders

- Virtual visits increased dramatically

- Healthcare systems were not prepared

- Race to transition to telehealth visits

# Standard Of Care Challenges

- Same?
- Similar?
- What was lost in the process?
    - Triaging appropriately
    - HCP/patient relationship
    - Communication
    - Overall patient experience affected

# Healthcare & Patient Challenges

| Telehealth Challenges | |
|---|---|
| ▪ Increase in virtual visits | ▪ Inability to perform a full physical exam |
| ▪ Virtual visits new to most HCP/Patients | ▪ Limitation of conducting labs and imaging |
| ▪ Access to the technology | ▪ Incorrect interpretation of imaging |
| ▪ Getting accustomed to the technology | ▪ Mismanagement of multiple calls and visits |
| ▪ Lack of policies and protocols | ▪ Prescribing issues-errors |
| ▪ Dysfunctional office systems | ▪ Patient Portal communication |

# Documentation Challenges

- Information silos
- Factual information
- On-demand messaging/ patient portal
- Informed consent for encounter/visit
- Documenting the modality of encounter/visit
- Location of the patient
- Information overload

# Telehealth Regulations

# Definitions

"**Telehealth** means healthcare services, including behavioral health services, provided by a healthcare provider, to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient, and transfer of medical data."

**Originating Site -** Where the patient is receiving the services

**Distant Site -** Where the practitioner is actually located

Source: https://legis.la.gov/Legis/law.aspx?d=964868

# Definition

**Telemedicine** – The practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data by a physician using interactive telecommunication technology that enables a physician and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously.

Source:  https://www.doa.la.gov/media/japawb11/46v45.pdf

# Regulations

- Consent

- Online Prescribing

- Credentialing

- Registered Telehealth Providers

- Insurance Coverage

- Reimbursement

# Best Practices for Telehealth Visits

# Preparing for the Telehealth Visit: HCP & Staff

- Provide a formal orientation and training program

- Offer simulation and practice telehealth visit sessions
  - This can help identify provider habits that need to be addressed, such as:
    - Excessive gesticulating
    - Talking over each other
    - Looking away from the camera to document on second screen/iPad

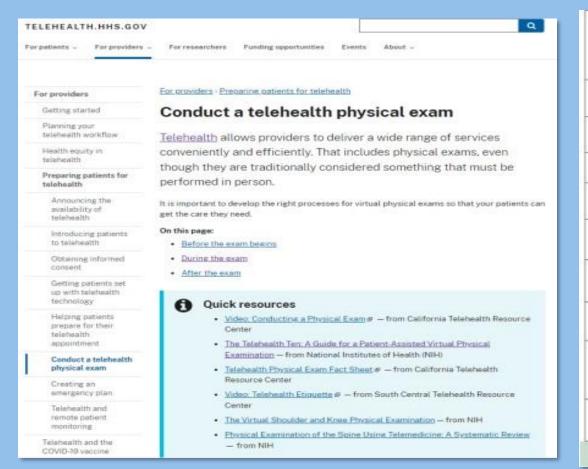# Preparing for the Telehealth Visit: HCP & Staff

- Create tip sheets and checklists for HCP & staff

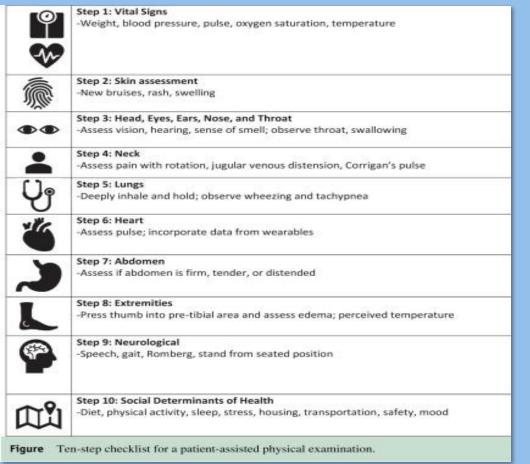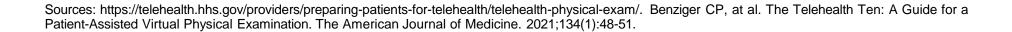- Prepare with scripted answers to questions commonly asked by patients

- Engage in training providers on performing a remote physical exam.

Source: AMC PSO/The Risk Management Foundation of the Harvard Medical Institutions. Patient Safety Guidance for the Virtual Visit, 2021.

# Physical Exam & Telehealth



TELEHEALTH.HHS.GOV

For patients ⌄    For providers ⌄    For researchers    Funding opportunities    Events    About ⌄

For providers

Getting started

Planning your telehealth workflow

Health equity in telehealth

**Preparing patients for telehealth**

Announcing the availability of telehealth

Introducing patients to telehealth

Obtaining informed consent

Getting patients set up with telehealth technology

Helping patients prepare for their telehealth appointment

**Conduct a telehealth physical exam**

Creating an emergency plan

Telehealth and remote patient monitoring

Telehealth and the COVID-19 vaccine

For providers · Preparing patients for telehealth

## Conduct a telehealth physical exam

Telehealth allows providers to deliver a wide range of services conveniently and efficiently. That includes physical exams, even though they are traditionally considered something that must be performed in person.

It is important to develop the right processes for virtual physical exams so that your patients can get the care they need.

On this page:
- Before the exam begins
- During the exam
- After the exam

ℹ **Quick resources**
- Video: Conducting a Physical Exam ⧉ — from California Telehealth Resource Center
- The Telehealth Ten: A Guide for a Patient-Assisted Virtual Physical Examination — from National Institutes of Health (NIH)
- Telehealth Physical Exam Fact Sheet ⧉ — from California Telehealth Resource Center
- Video: Telehealth Etiquette ⧉ — from South Central Telehealth Resource Center
- The Virtual Shoulder and Knee Physical Examination — from NIH
- Physical Examination of the Spine Using Telemedicine: A Systematic Review — from NIH

**Step 1: Vital Signs**
–Weight, blood pressure, pulse, oxygen saturation, temperature

**Step 2: Skin assessment**
–New bruises, rash, swelling

**Step 3: Head, Eyes, Ears, Nose, and Throat**
–Assess vision, hearing, sense of smell; observe throat, swallowing

**Step 4: Neck**
–Assess pain with rotation, jugular venous distension, Corrigan's pulse

**Step 5: Lungs**
–Deeply inhale and hold; observe wheezing and tachypnea

**Step 6: Heart**
–Assess pulse; incorporate data from wearables

**Step 7: Abdomen**
–Assess if abdomen is firm, tender, or distended

**Step 8: Extremities**
–Press thumb into pre-tibial area and assess edema; perceived temperature

**Step 9: Neurological**
–Speech, gait, Romberg, stand from seated position

**Step 10: Social Determinants of Health**
–Diet, physical activity, sleep, stress, housing, transportation, safety, mood

**Figure**    Ten-step checklist for a patient-assisted physical examination.

Sources: https://telehealth.hhs.gov/providers/preparing-patients-for-telehealth/telehealth-physical-exam/. Benziger CP, at al. The Telehealth Ten: A Guide for a Patient-Assisted Virtual Physical Examination. The American Journal of Medicine. 2021;134(1):48-51.

# Preparing for the Telehealth Visit: HCP & Staff

- Ensure integrated IT support, with the ability to obtain help from IT in real-time

- Familiarity with the provision of telehealth care is important to avoid cognitive overload if:

    - The providers are preoccupied with the technology of care delivery

    - Then they may be distracted from the clinical aspects of the visit

    - This distraction is a setup for medical errors

# Be Aware of Your "Webside Manner"

- "**Webside manner**" refers to standards of professionalism and empathy that exist for virtual care.

- Maintain a background, camera framing, and lighting that is suitable for a telehealth visit.

- Set expectations as the provider for the visit and elicit patient expectations.

- Be comfortable instructing the patient how to obtain information from the physical exam.

Sources: Elliott T, at al. Conducting a Professional Telemedicine Visit Using High-Quality Webside Manner. Current Allergy and Asthma Reports. 2022;22(2):7-12.
AMC PSO/The Risk Management Foundation of the Harvard Medical Institutions. Patient Safety Guidance for the Virtual Visit, 2021.

# Be Aware of Your "Webside Manner"

**Making an empathetic connection may feel more difficult during a telehealth visit.**

- Maintain eye contact

- Limit looking at another screen/iPad

- Communicate looking up information

- Silence can be misconstrued

- Acknowledge what the patient is saying with gestures, such as nodding one's head

Sources: Elliott T, at al. Conducting a Professional Telemedicine Visit Using High-Quality Webside Manner. Current Allergy and Asthma Reports. 2022;22(2):7-12.
AMC PSO/The Risk Management Foundation of the Harvard Medical Institutions. Patient Safety Guidance for the Virtual Visit, 2021.

# Be Aware of Your "Webside Manner"

## Avoid an abrupt end to the visit.

- Ensure that a follow-up plan exists and that it is understood by the patient

- Provide the patient an opportunity to ask questions

- Be aware of the "doorknob phenomenon"

Sources: Elliott T, at al. Conducting a Professional Telemedicine Visit Using High-Quality Webside Manner. Current Allergy and Asthma Reports. 2022;22(2):7-12.
AMC PSO/The Risk Management Foundation of the Harvard Medical Institutions. Patient Safety Guidance for the Virtual Visit, 2021.

# Preparing for the Telehealth Visit: HCP & Staff

**Adapt not just the actual visit, but include other associated processes:**

- Registration
- Consent forms
- Medication reconciliation
- Payment process

# Patient Visit Selection Criteria

## Telehealth vs. In-person Visit

### Telehealth visit may be preferred for patients with:

- Behavioral health conditions, such as agoraphobia
- Conditions that make them immunocompromised
- Limited physical mobility
- Certain chronic conditions requiring frequent visits
- Travelers/students

### In-person visit may be preferred for patients with:

- Acute conditions/higher acuity
- A requirement for a detailed physical exam
- A need for short-term lab testing or imaging
- Limited access to required technology

# Patient Refuses In-Person Visit

- Set the expectation at the beginning of a telehealth visit that the need for an in-person visit is a possibility.

- Potentially, offer alternatives, such as a visiting nurse or a visit to urgent care.

- Document that the patient refused the recommendation for an in-person visit, and that the risks of this refusal were discussed with the patient.

- Consider a follow-up conversation or letter regarding the need to come in for an in-person visit.

# Preparing for the Telehealth Visit: Patients

- Ensure patients have instructions about how to access and use the technology for virtual visits

- Provide access to IT support for patients

- Request that the patients have medicine bottles with them

- Encourage patients to have a list of questions

- Let the patient know that they should be conducting the visit in a private, quiet location

- Ask the patient about their goals/priorities for the visit

# Preparing for the Telehealth Visit: Patients

## Provide Online Resources to the Patient

# Preparing for the Telehealth Visit: Patients

## Provide Online Resources to the Patient

# Take Advantage of Patient Portals

**Patient portals can be valuable tools to collect self-reported patient data prior to the visit.**

- This is information that, with in-person visits, might have been collected in the physical waiting room.

**This self-reported data can include:**

- Symptom screenings
- Allergy lists
- Medication lists
- Insurance information

# Telehealth Visits & Behavioral Health

- May appeal to patients with anxiety, agoraphobia, or other behavioral health conditions

- May allow for frequent check-ins for medication side effects

- Privacy is especially important for behavioral health

- A safety plan must be implemented in case of suicidality or psychiatric emergency

  - Obtain the direct number for the police department and emergency services closest to the patient

  - Have a backup clinician if conducting group therapy

# Telehealth Visits & Pediatric Patients

- Many of the communications that would typically go to the patient need to be sent to the parents/guardian.

- Have protocols for discussion of sensitive topics such as:
  - Birth Control
  - Behavioral Health

- Be aware of age thresholds for when pediatric patients can be seen without their parents present.

- Common Pediatric visits that need to be in person:
  - Immunizations
  - Hearing and vision checks

Sources: AMC PSO/The Risk Management Foundation of the Harvard Medical Institutions. Patient Safety Guidance for the Virtual Visit, 2021.
https://www.healthychildren.org/English/family-life/health-management/Pages/Telehealth-101.aspx   https://www.massgeneral.org/children/coronavirus/what-telemedicine-means-for-pediatric-health-care

# Telehealth Joint Visits

- One way telehealth could potentially enhance patient quality and safety is by allowing for patients to visit simultaneously with multiple providers.

- This could enhance communication and coordination among providers.

- This already sometimes occurs with in-person visits, but the logistics are less formidable with telehealth visits.

# Health Equity & Telehealth

# Telehealth Barriers Contribute to Health Inequities

- Lack of a video-enabled electronic device, such as a computer or smartphone

- Absent or inadequate internet service (e.g., no broadband)

- Lack of private space in which to conduct a virtual visit

- Low number of local providers offering telehealth services

- Language barriers

- Discomfort with the technology required for telehealth care

- No assistive technology for patients with disabilities (e.g., closed captioning for patients who are hard of hearing)

# Promoting Health Equity & Telehealth

- Increase availability of broadband access

  - Federal Funding (FCC Lifeline program)
  - Local funding of free Wi-Fi hotspots
  - Possible role for population health programs

- Encourage digital literacy
  - Provide educational programs to help patients access telehealth

- Offer video telehealth visits independent of patient portal enrollment

- Integrate interpreter services into telehealth visits

- Offer telephone-only visits

Sources: Nouri S, et al. Addressing Equity in Telemedicine for Chronic Disease Management During the Covid-19 Pandemic. NEJM Catalyst. May 4, 2020.
Rodriguez JA, et al. Digital Health Equity as a Necessity in the 21st Century Cures Act Era. JAMA. 2020;323(23):2381-2382.
McDow KB. CDC COVID-19 Response: Telehealth & Health Equity slides from September 15, 2020, presentation.
https://www.digitalinclusion.org/free-low-cost-internet-plans/    https://thinkculturalhealth.hhs.gov/clas/what-is-clas.

# Promoting Health Equity & Telehealth

## Ways that telehealth could support health equity:

- Enables patients in rural areas to access non-local specialists

- Removes transportation to in-person appointments as a barrier

- Mitigates the issue of missing work while at appointments

- Mitigates the challenge of obtaining childcare while at appointments

Source: McDow KB. CDC COVID-19 Response: Telehealth & Health Equity slides from September 15, 2020, presentation.
Available at: https://emergency.cdc.gov/coca/ppt/2020/2_COCA_Call-Slides_091520_Final.pdf.

# Questions?

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# Questions?

# We want to hear from you!

https://www.surveymonkey.com/r/RCYLXYT