

Meeting Minutes

March 23, 2018

1pm-3pm

University of Washington Medical Center | 1959 NE Pacific St. Seattle, WA 98195

Attendees (In Person): John Scott (UW), Representative Joe Schmick, Brodie Dychinco (Cambia Health Solutions/Regence), Sheryl Huchala (Premera), Mark Lo (Seattle Children's Hospital), Adam Romney (David Wright Tremaine, LLP), Kathleen Daman (Swedish), Emily Yu (MultiCare)

Attendees (By Phone): Frances Gough (Molina Healthcare), Ricardo Jimenez (SeaMar Community Health Center), Lori Wakashige (Legacy Health)

The meeting convened at 1:07pm

- I. **Review of 01.05.18 Meeting Minute**
 - a. Minutes reviewed
 - b. Motion passed unanimously to approve meeting minutes
Action: January meeting minutes posted on Telehealth Collaborative Website
- II. **Malpractice with Adam Romney and Cindy Jacobs**
 - a. Adam Romney, of David Wright Tremaine, LLP, presented about Malpractice and Telehealth.
 - b. Examples of Malpractice, there have been some from Radiology as well as Store and Forward but there are not a lot of published examples.
 - c. There has to be some sort of protection for the hospitals when they are taking every effort to take care of patients.
 - d. Guidelines for patient care: ATA has general guidelines for health care as well as specialty practices (TelePsych, TeleDerm, TeleStroke). UW Specialty clinics have their own guidelines.
 - e. **Care should be the same standard when delivered by Telemedicine as in person care**
 - f. Telehealth accreditation standards: ATA offers that official stamp of approval [ATA Accredits New Telehealth Training Program](#)

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- g. Long Arm Statute: Law practiced in Texas, allows for a state court to obtain personal jurisdiction over an out of state defendant on the basis of certain acts committed by an out of state defendant, provided that the defendant has a sufficient connection with the state
 - h. The difference between providing care and malpractice and someone seeking a second opinion and malpractice. Second opinion is a billable service. The patient has to give consent to receive a second opinion. If there was negligence in the second opinion then it would be held in the same regards
 - i. What is the risk is for primary care doctors who practice telemedicine by consulting with another provider via telemedicine? This is where the concept of Shared Liability comes in: Sharing patients between a Specialist and the PCP. Joint liability in Washington. If there were a treatment recommendation that originated by the specialist and signed off by the PCP, then both would share in the liability.
 - j. Example in TeleStroke: Dealing with a certified Neurologist giving a suggestion for care. You are usually dealing with someone qualified to give recommendations.
 - k. Technology error in admission coverage: This issue is being investigated by MultiCare. It is currently in the early stages.
- III. Passed Legislation Bill: S.6399**
- a. Payment Parity
 - b. Concept of payment parity (parity summary) Due by Dec 1st
 - c. **AGENDA:** Payment Parity
 - d. Senator Randi Becker asked for a pilot program, had representatives from carriers and providers form the hospital and medical association. Working through issues about the actual codes use for billing, what do we have now, and what would it look like. Had a limited amount of time, wanted the collaborative to look at the bill and make recommendations. Legislature has asked the collaborative to have a deep dive into this issue and are hoping for acts in the 19th session.
 - a. **ACTION:** Looking to Brodie and Sheryl to help with payment parity. There is already a law in Hawaii and Minnesota and perhaps the Blue Cross/Shield programs there have experience to share. Also looking to Frances at Molina to help us look into policy of Telemedicine. Reimbursement methodology
 - b. In the two states, Minnesota and Hawaii, would be very interested in what they are doing (legislators). They want to be assured. Parity in clinical

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care. Same quality of care as they would in face to face. 5 conditions.
Stroke, psych etc.

IV. Legislation update (Ian Goodhew). Request to have a non-voting member from LNI. Senator Steve Conway had expressed interest that John Scott would ask a representative at Labor and Industries (L&I) to be on the collaborative. Collaborative has been renewed until 2021. The ECHO specific bill did not pass.

IV. Telemedicine Billing Preferences

a. **AGENDA:** waiting for Denny Lordan to be present for this discussion

V. Net Neutrality

a. Presentation by Kathleen Daman from Swedish (please see slides for full details)

b. Any official statement from the ATA? Unfortunately, it is not clear on what we should do.

c. **ACTION:** Kathleen will do more research on next steps

d. National Telehealth vendors have not thought of net neutrality

VI. New Member: Chad Gabelein

a. Presented Chad to the collaborative to take over representation for Julie Stroud at Virginia Mason.

b. Motion to approve, Seconded, motion passed.

c. **ACTION:** Chad to introduce himself to the collaborative next meeting

VII. Public Comment Period

a. **AGENDA:** Billing Code, Guidance Report

b. Kent Unruh: ISP and Infrastructure are two separate issues. ISP service areas that serve medical providers. Have a baseline of what we have now.

c. Stephanie Sushannon: Mental health integration program.

d. Mary Kaempfe: This meeting has been very informative and touched on very good topics. Excited to hear that we would have a non-voting member for LNI

e. **NEXT MEETING:** Will be at Davis Wright Tremaine on May 7th.

Meeting adjourned @ 2:26pm

Next Meeting

May 7, 2018

10:00am-12:00pm

Davis Wright Tremaine LLP, 1201 Third Ave, Suite 2200 | Seattle, WA 98101