

Telehealth State/ Federal Updates

APRIL 17, 2023

WashingtonState
Telehealth Collaborative

State Updates

State Update

- On March 30, [S.B. 5036](#) was passed, which is an act that extends the time frame in which real-time telemedicine using both audio and video technology may be used to establish a relationship for providing audio-only telemedicine for health care services other than behavioral health.
 - Effective July 23, 2023
 - After July 1, 2024, the appointment must take place in person

Federal Updates

Federal Updates

- Effective February 11, the Department of Health & Human Services extended the federal COVID-19 public health emergency (PHE) an additional 90 days through 5/11/2023. The Biden Administration declared that the PHE will end on 5/11/2023.
 - Declaration of renewal [here](#).
- 2 resources provide an overview of the major health-related COVID-19 federal emergency declarations and summarizes the flexibilities triggered in various areas, including telehealth, along with their status updates post-PHE.
 - Kaiser Family Foundation (KFF) brief [here](#).
 - Association of American Medical Colleges overview [here](#).
- The Drug Enforcement Administration (DEA) announced proposed rules for permanent telemedicine flexibilities regarding prescribing controlled substances, titled [Telemedicine Prescribing of Controlled Substances When the Practitioner and the Patient Have Not Had a Prior In-Person Medical Evaluation](#). Public comment was closed on March 31.
 - DEA's press release [here](#).
 - Summary of proposed rules [here](#).
- An extension of [The Telehealth Expansion Act \(H.R. 5981\)](#) was introduced, which makes permanent a waiver created by the CARES Act in allowing Americans with Health Savings Accounts (HSAs) to access telehealth services without first having to meet their deductible.
- [The Connecting Students with Mental Health Services Act](#) would create a federal grant program to help school districts fund telehealth programs that provide mental health services for improving access to care for students, including in rural and low-income school districts.

State Telehealth Training Updates


APRIL 17, 2023

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INFORMED CONSENT

No special consent is required for a telemedicine visit. However, just as patients consent to be seen and treated in traditional healthcare delivery settings, patients should consent prior to being seen via telemedicine.

- Consent for care by telemedicine can be written, included in the general consent to care document, or verbal. When informed consent is obtained verbally via telehealth, document in the patient record. If you're looking to create an appropriate consent form, the Agency for Healthcare Research and Quality has a [sample consent form](#)  that is easy to understand.
- Some insurance companies require a separate informed consent for store and forward services.

Best practice for informed consent for telemedicine includes:

- Reasonable understanding by all parties of the technologies utilized
- Understanding of their capabilities and limitations
- A mutual agreement they are appropriate for the circumstances
- Informing patients of their rights when receiving telemedicine, including the right to stop or refuse treatment
- Informing patients of their own responsibilities when receiving telemedicine treatment
- Communicating and obtaining consent when students or trainees observe the telemedicine visit
- Understanding of confidentiality
- Understanding of emergency/safety plan
- Informing patients of what will happen in case of technology or equipment failures during the telemedicine visit - state contingency plan such as contacting the patient by phone or rescheduling the appointment

*Sources: Southwest Telehealth Resource Center [Telemedicine & Informed Consent](#) ; Washington MQAC [Appropriate Use of Telemedicine Guideline](#) 



EMERGENCY PLAN IN CASE OF PATIENT SAFETY CONCERNS

During a telemedicine visit, observations should be made of the patient's environment and behaviors that could raise safety concerns. It is important to have a plan in the event of a patient emergency.

- As available and appropriate, attempt to alert on-site staff to the situation so that they can initiate the existing on-site emergency protocol.
- Call 911 and ask to be connected to emergency services for the location of the emergency.
- You may call the e911 center at 267-908-6605 to speak with an agent who will facilitate contact with a 911 operator at the patient's location. You must be able to identify the patient's physical location. The e911 contact number is accessible and staffed 24/7/365.
- Note down your location and contact information for the patient's appointment.