Video Consults and Video Visits with Providers and Patients Policy

Effective Date: March 16, 2020

Policy

UT Health San Antonio would like to provide video conferencing between UT Health San Antonio providers and patients being served remotely. This policy covers video consults and video visits that are requested by UT Health San Antonio licensed physicians and Advanced Mid-level Providers.

Definitions

Advanced Mid-Level Practitioner: A licensed health care professional credentialed by UT Health San Antonio, practicing with the oversight of a Practitioner who is a member of the medical staff and licensed in the state of Texas. Each department or clinic shall define the category of providers that qualify as Advanced Mid-level Providers. The department or clinic’s definition of Advanced Mid-level Provider may include, but is not limited to, physician assistant (PA), nurse practitioner (NP), certified nurse midwife (CNM), and advanced practice registered nurse (APRN).

Distant Site: Site at which the physician or other licensed practitioner delivering the service is located at the time the telemedicine service is provided.

Protected Health Information (PHI): Individually identifiable health information held or transmitted in any form or medium, including information created or received by a health care provider, health plan, employer or health care clearinghouse that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and that identifies the individual or for which there is a reasonable basis for believing that the information could be used to identify the individual. PHI includes medical, scheduling, and billing information.

Providers: A physician or an Advanced Mid-Level Practitioner who is licensed to provide health care services by the State of Texas and employed by UT Health San Antonio.

Originating Site: Location of the patient at the time the telemedicine service is being provided, which must be in the State of Texas.

Store and forward technology: Technology that stores and transmits or grants access to a person's clinical information for review by a health professional at a different physical location than the person.

Synchronous interaction: A real-time interaction between a patient and a health care provider located at a distant site.

Telehealth Service: A health service, other than a telemedicine medical service, delivered by a health professional licensed, certified, or otherwise entitled to practice in this state and acting within the scope of the health professional’s license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology.
Telemedicine Medical Service: A health care service delivered by a physician licensed in this state, or a health professional acting under the delegation and supervision of a physician licensed in this state, and acting within the scope of the physician’s or health professional’s license to a patient at a different location than the physician or health professional using telecommunications or information technology.

Policy Statements

A physician, or an Advanced Mid-Level Practitioner who is supervised by and has delegated authority from a physician, may treat a patient using telemedicine under his or her respective license so long as the patient is located in Texas. The patient’s originating site in Texas must be established prior to treatment.

A treating physician or health professional who provides or facilitates the use of telemedicine medical services or telehealth services shall ensure that the informed consent of the patient, or another appropriate individual authorized to make health care treatment decisions for the patient, is obtained before telemedicine medical services or telehealth services are provided. Verbal consent must be obtained to allow any other individual (besides the distant site provider, originate site patient or representative) to be present during a telemedicine or telehealth visit.

Physicians should also provide a notice of privacy practices in accordance with federal privacy requirements and must make a good-faith effort to obtain the patient’s written or electronic acknowledgement of the notice (which can be obtained through email). Additionally, physicians must provide notice of the method by which patients may file a complaint with Texas Medical Board.

Telehealth services and telemedicine medical services may be provided when:
1. a valid patient-practitioner relationship is established;
2. the practitioner is able to meet the standard of care for an in-person setting;
3. the practitioner maintains a complete and accurate medical record.

There are three (3) ways a patient-practitioner relationship can be established:
1. there is a preexisting practitioner-patient relationship;
2. the practitioner communicated with the patient as part of a call coverage agreement with the patient’s established practitioner; or
3. the practitioner communicates with the patient using:
   a. real-time audiovisual interaction, such as through video calls;
   b. real-time audio (telephone), along with having access to clinically relevant information, such as videos/images, medical records, and test results; or
   c. any other audiovisual telecommunication technology that allows the practitioner to meet the standard of care for an in-person setting.

A health professional providing a health care service or procedure as a telemedicine medical service or a telehealth service is subject to the standard of care that would apply to the provision of the same health care service or procedure in an in-person setting. If, for any reason, the physician
or provider believes the evaluation, diagnosis or treatment will be too complicated for telemedicine, he/she must request an in-person appointment before any medical advice is given.

Services shall be documented in the UT Health San Antonio medical record according to the Patient Health Records Policy (Handbook of Operating Procedures, Chapter 11, Policy 11.1.5).

A treating physician or health professional who provides or facilitates the use of telemedicine medical services or telehealth services shall ensure that the confidentiality of the patient's medical information is maintained as required by applicable state and federal law.

Prescribing an abortifacient or any other drug or device that terminates a pregnancy or treating for chronic pain with scheduled drugs using telemedicine is not allowed.

Video consults and video visits shall be conducted utilizing secure UT Health San Antonio approved electronic network, technology, or equipment and in accordance with UT Health San Antonio policies and procedures.

Video consults and video visits shall not be used when a UT Health San Antonio provider or patient determines that video conferencing is not appropriate or not the preferred means for the consult/visit or is not in compliance with UT Health San Antonio policy. The Telehealth Subcommittee in conjunction with the UT Health San Antonio Data Governance Committee and UTHP Clinical Enterprise are accountable for the guidelines and approval of electronic tools that support video consults and video visits.

Video links/calls initiated directly by patients utilizing technology or equipment not under the purview of UT Health San Antonio shall not be accepted by providers.

Video equipment purchased for internal use at UT Health San Antonio will be maintained by UT Health San Antonio. Patients will purchase and maintain their own equipment, unless other arrangements and agreements are made.