

As emergency orders fade, there are three important questions to ask in terms of Telehealth liability:

1. Are you practicing medicine?

A telehealth or audio visit is clearly the practice of medicine, the

administrative task of refilling a script or sending medical records, is not. If you are doing an act that is the practice of medicine, you **MUST** have a license in the State where the patient is at the time of the visit.

MedChi
The Maryland State Medical Society



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2. Are you licensed in the State where the patient is at the time of the visit?

Generally, you are required to be licensed where the patient is located at the time of the visit. Due to the pandemic, you may not need licensure if an emergency order in the State waives the requirement. [Please click here](#) for a list of State-by-State orders on telemedicine due to COVID.

IMPORTANT: This list is updated and changes regularly so it should be checked EVERY day if you plan to rely on an emergency order.

If you have a patient in a state with no order, and you do not have a license, you could be charged in that State by their medical Board with the practice of medicine without a license.

3. Do you have malpractice coverage in the State where the patient is located?

Just because you have a license or an emergency order allows you to practice in each State, your malpractice carrier may not have coverage for you in that State. This is a really important issue to understand. If you are insured by Medical Mutual, you only have coverage in the surrounding States. If you get sued or charged with practicing medicine without a license in a non-covered state, you would not have medguard coverage for the board complaint or coverage for the malpractice case. Obviously, that would be a dangerous and risky way to practice.

[Please click here](#) for Medical Mutual's FAQ on Telehealth.