



Telemedicine FAQs

Many practices will be implementing telemedicine as the spread of COVID-19 and the resulting quarantine will require the tool to continue access to care. MedChi is sharing these FAQs to provide you with the information you need.

Can I write an opioid script via telemedicine?

The rule had been no, however, the Maryland General Assembly passed legislation allowing this during a state of emergency March 18, 2020; it is expected to be signed quickly by Governor Hogan. So for as long as the Federal and State designation of a public health emergency remains in effect, DEA-registered practitioners may issue prescriptions for controlled substances to patients for whom they have not conducted an in-person medical evaluation, provided all of the following conditions are met:

- The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice.
- The telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system.
- The practitioner is acting in accordance with applicable Federal and State law.

Provided the practitioner satisfies the above requirements, the practitioner may issue the prescription using any of the methods of prescribing currently available and in the manner set forth in the DEA regulations. Thus, the practitioner may issue a prescription either electronically (for schedules II-V) or by calling in an emergency schedule II prescription to the pharmacy, or by calling in a schedule III-V prescription to the pharmacy.

It is important to be judicious when using this power.

Does my malpractice policy cover me for using telemedicine?

Many policies provide coverage for using telemedicine under certain conditions. It is important to check with your insurance broker, and make sure you have declared it on your policy. Some carriers require a physician to have an established physician-patient relationship before the telemedicine encounter.

Must I be licensed in the state where the patient is located?

In most cases, you must be licensed in the state where the patient is located. Furthermore, you should make sure your insurer allows you to do telemedicine in that state. Governor Hogan has issued an executive order allowing non-Maryland physicians to perform telemedicine without a license due to the COVID-19 crisis.

Do I have to comply with HIPAA when performing telemedicine?

In light of the COVID-19 nationwide public health emergency, the HHS Office for Civil Rights (OCR) is exercising its enforcement discretion and, effective immediately, will not impose penalties on physicians using telehealth in the event of noncompliance with the regulatory requirements under the Health Insurance Portability and Accountability Act (HIPAA). Physicians may seek to communicate with patients and provide telehealth services through remote communications technologies. Some of these technologies, and their use, may not fully comply with the requirements of the HIPAA Rules.

How do I code and what will be covered by telemedicine?

The original COVID-19 order expanded payment for all telemedicine services. We are expecting the State of Maryland and CMS to release coding guidelines shortly.