

How To Manage Legal Risks As Telehealth Provider

Telehealth has revolutionized the healthcare industry by making healthcare accessible to remote patients. As more and more healthcare providers adopt telehealth services, it is crucial to address the legal risks associated with this practice. In this article, we will discuss the key legal risks faced by telehealth providers and provide valuable tips on how to manage them effectively.

Understanding Legal Risks in Telehealth

1. Privacy and Security:

One of the major concerns in telehealth is the privacy and security of patient information. Transmitting patient data over the internet requires robust security measures to protect against unauthorized access and breaches. It is crucial to understand the legal requirements for data protection, such as the Health Insurance Portability and Accountability Act (HIPAA) in the United States, and implement appropriate safeguards to ensure patient privacy.



How to Manage Legal Risks as a Telehealth Provider: Telemedicine Malpractice Insurance Coverage in 2021

by Dr. Ismail Sayeed (Kindle Edition)

★★★★★ 5 out of 5

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2. Licensing and Jurisdiction:

Telehealth providers must navigate the complex landscape of licensing and jurisdiction. Each state or country has its own regulations regarding the practice of telehealth, and providers must ensure compliance with all relevant laws. Obtaining proper licenses and understanding the legal boundaries of telehealth practice is vital to avoid any legal repercussions.

3. Malpractice and Liability:

Telehealth practitioners must be aware of the potential risks of malpractice and liability associated with providing remote care. Due diligence in verifying patient identities, obtaining informed consent, and maintaining accurate medical records is essential to mitigate the risks. In addition, having professional liability insurance tailored for telehealth services can provide financial protection in case of legal claims.

Effective Strategies for Managing Legal Risks

1. Develop Comprehensive Policies and Procedures:

Establishing clear and concise policies and procedures specific to telehealth can help mitigate legal risks. These should cover aspects such as patient privacy, security protocols, licensing requirements, informed consent, and documentation. Regularly review and update these policies to reflect any changes in laws or regulations.

2. Ensure Compliance with Data Protection Laws:

Implementing robust security measures and adhering to data protection laws, such as HIPAA, is paramount in telehealth. Use secure communication platforms and encryption technologies to safeguard patient information. Regularly train staff on privacy and security best practices to maintain compliance and minimize the risk of data breaches.

3. Obtain Proper Licensing and Consult Legal Experts:

Inform yourself about the licensing requirements specific to telehealth in your jurisdiction. Reach out to legal experts with experience in telehealth to obtain advice and guidance. They can assist you in understanding the regulations, drafting contracts, and ensuring compliance with legal obligations.

4. Establish Professional Relationships:

Collaborate with other healthcare professionals, organizations, and institutions to form professional relationships. This can provide supportive networks, resources, and opportunities for referrals. By collaborating with reputable partners, you can enhance the quality of care provided and decrease legal risks associated with remote healthcare.

Telehealth brings tremendous benefits to patients and healthcare providers, but it also presents unique legal risks. By understanding the legal landscape, implementing appropriate safeguards, and staying updated on regulations, telehealth providers can effectively manage these risks and provide high-quality remote care. Prioritizing patient privacy, following ethical guidelines, and seeking legal advice when necessary are key to ensuring safe and legally compliant telehealth practices.



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Telemedicine involves using technology to deliver medical care from a distance. It has become a routine part of our lives since the COVID-19 outbreak in late 2019 and is practiced by medical professionals globally.

As is evident amongst many US providers, EU member states and other applicable countries, operating and providing telehealth across state borders raises concerns related to the role of the provider as the primary care physician; with the sole responsibility of generating the primary diagnosis, initial management, treatment, prescription and reimbursement via insurance providers (national or private).

Negotiating such complexities is a red flag for insurance providers as there are difficulties in cost containment and continuity of care for their coverage claimants. Ensuring that the right healthcare communication and services were rendered, with clear evidence of the correct billing and medical coding procedures is an added cost of operations.

Even though telemedicine facilitates convenience, affordability, and efficiency for both patients and physicians, it also provides an increased opportunity for adverse experiences that may lead to professional liability. Professional liability in medicine includes the possibility of getting sued based on damages arising from any form of medical work or consultation provided by a physician.

With the growing popularity and use of telemedicine, it has become an essential recommendation for doctors to procure specific insurance to combat the novel professional liability and malpractice claims that may arise from telemedicine.

Additionally, telemedicine regulations are considerably complex. They differ across states and even require a secure network and workspace to ensure that no one else can access the client's data or listen in on conversations, which means networks must be HIPAA compliant.

With the right telemedicine insurance coverage, a physician is protected from malpractice and professional liability claims regarding practices that possibly resulted in physical injury, property damage, additional medical expenses, etc. It also covers the failure of products to perform, cyber and privacy coverage, and worldwide jurisdiction. There is also coverage for the cost of defending lawsuits related to these claims.

Malpractice coverage for technology-based service platforms, with a strong focus on digital health, will ideally receive customised review processes to understand their complete business model and operations, whether it purely telemedicine, telehealth with remote patient monitoring, digital prescriptions or other remote digital services. Providers who are employed under their services must receive adequate insurance protection whilst providing their virtual care processes.

Doctors employed in healthcare institutions, transitioning into telehealth, will upgrade their liability coverage based on existing relationships with their corporate insurance partners. Similar coverage may be applicable to public sector institutions who have some form of telemedicine services for their national constituents and other citizens in their immediate catchment area.

Individual healthcare professionals seeking to begin their own virtual care practice may need to be more wary of complex and risky operations that insurance providers will not agree to partner with, even with 'good faith' initiatives for their communities. Such potentially risky activities involve (and not limited to) primary remote diagnosis (with or without remote patient monitoring devices), internet prescriptions, prescribing controlled substances or potentially serious side effects due to the medications.

This ebook will educate and inform the entrepreneurial physician or private practice group on the key concepts and options available to acquire a customized comprehensive telemedicine malpractice insurance coverage plan, that is most suitable to their practice.



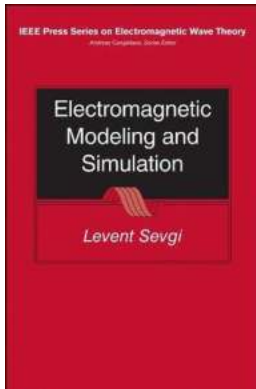
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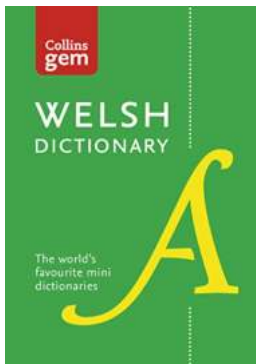
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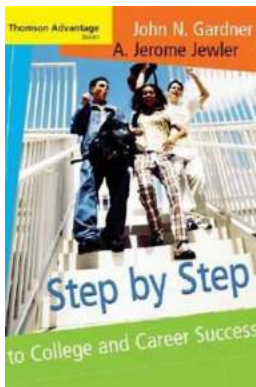
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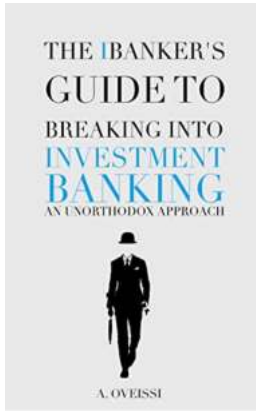
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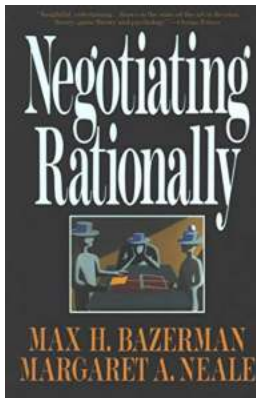
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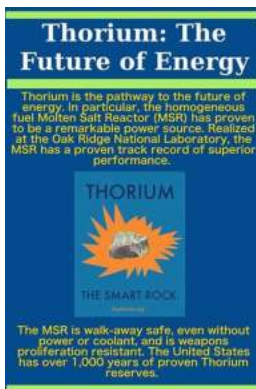
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