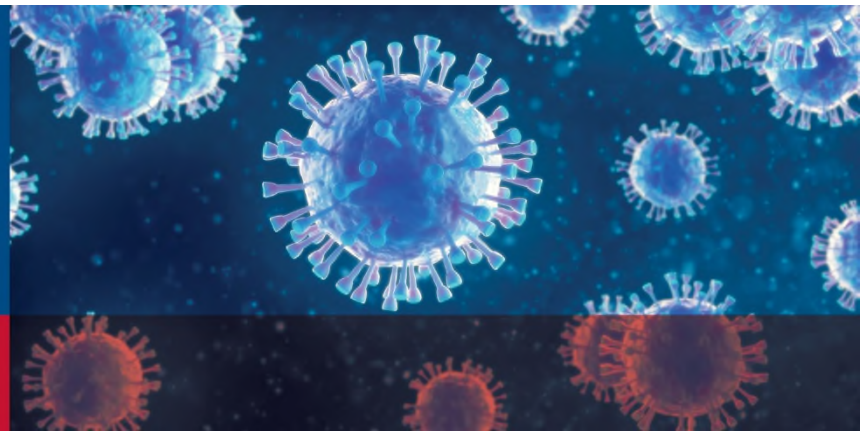




American Professional Agency



RISK MANAGEMENT



March 2020

## **ALERT: Coronavirus (COVID-19) and Telehealth Resources**

According to the Center for Disease Control (CDC), shifts in the way that care is delivered during a Coronavirus (COVID-19) outbreak will be complex and responses may change. Since infection prevention is a large part of mitigating the risk of the spread, social distancing has become strongly encouraged and the promotion of using telehealth has become more prevalent.

During this time, please see the following risk management tips relating to tele-mental health:

- Be licensed in the state where the patient is located.
- Consult the Interstate Medical License Compact website (<https://imlcc.org>) and the Federation of State Medical Boards website (<https://fsmb.org>) or PSYPACT ([www.psypact.org](http://www.psypact.org)) for details on how to obtain medical licenses in multiple states prior to engaging in tele-mental health practice.
- Follow all state and federal laws, including laws related to telehealth, prescribing and privacy for each state where the behavioral health provider is licensed and plans to practice tele-mental health.
- Obtain proper informed consent, including a discussion of risks, benefits and alternatives to telehealth. Some states require written informed consent.
- Create a plan in case the patient requires access to local or immediate mental health services that are not conducive to therapy or consultation through tele-mental health services.
- Create a contingency plan for times when the telecommunication devices or connections do not work properly, and the telehealth visit cannot go forward.
- Maintain medical record documentation in accordance with applicable laws, regulations and guidelines.
- Create a procedure for sending and receiving documents between the behavioral health provider and patient (i.e., informed consent documents) through a HIPAA compliant process (i.e., encrypted/password protected patient portal).
- Determine if a business associate agreement is needed from service providers to be used to conduct tele-mental health sessions and consultations.
- Consult an attorney for any legal issues and a risk consultant for risk management related questions.

Should you have further questions regarding COVID-19 and Telehealth, please contact AWAC Services Risk Management at [riskmanagement@awacservices.com](mailto:riskmanagement@awacservices.com). The next page includes links to some current resources to assist with COVID-19 and Telehealth concerns.

<b>Infection Prevention Resources:</b>	
<b>Center for Disease Control (CDC)</b> <ul style="list-style-type: none"> <li>Healthcare Providers Preparedness Assessment Tool</li> <li>Situation Updates</li> <li>Cleaning Guidelines</li> <li>Strategies for Healthcare Professionals</li> </ul>	<a href="https://www.cdc.gov/coronavirus/2019-ncov/summary.html">https://www.cdc.gov/coronavirus/2019-ncov/summary.html</a> <a href="https://www.cdc.gov/coronavirus/2019-ncov/hcp/preparedness-checklists.html">https://www.cdc.gov/coronavirus/2019-ncov/hcp/preparedness-checklists.html</a> <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html">https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html</a>
<b>World Health Organization (WHO)</b>	<a href="https://www.who.int/health-topics/coronavirus">https://www.who.int/health-topics/coronavirus</a>
<b>Worker Safety Resources:</b>	
<b>Occupational Safety and Health Administration (OSHA)</b> <ul style="list-style-type: none"> <li>Steps to prevent worker exposure</li> <li>Key OSHA Standards/Personal Protective Equipment (PPE)</li> </ul>	<a href="https://www.osha.gov/SLTC/covid-19/">https://www.osha.gov/SLTC/covid-19/</a>
<b>Emergency and Pandemic Preparedness Resources:</b>	
<b>U.S. Department of Homeland Security</b> <ul style="list-style-type: none"> <li>Employee Assistance &amp; Support</li> <li>Business Continuity Plan</li> <li>Emergency Response Plan</li> </ul>	<a href="https://www.ready.gov/pandemic">https://www.ready.gov/pandemic</a> <a href="https://www.fema.gov/media-library-data/1396880633531-35405f61d483668155492a7cccd1600b/Pandemic_Influenza_Template.pdf">https://www.fema.gov/media-library-data/1396880633531-35405f61d483668155492a7cccd1600b/Pandemic_Influenza_Template.pdf</a>
<b>Tele-mental Health Resources:</b>	
<b>American Psychiatric Association (APA)/American Telemedicine Association (ATA)/Federation of State Medical Boards (FSMB)</b> <ul style="list-style-type: none"> <li>Training for telepsychiatry</li> <li>Policy considerations</li> <li>Legal and reimbursement issues</li> <li>Best Practices for Videoconferencing</li> <li>Policies by State</li> </ul>	<a href="https://www.psychiatry.org/psychiatrists/practice/telepsychiatry/toolkit">https://www.psychiatry.org/psychiatrists/practice/telepsychiatry/toolkit</a> <a href="https://www.americantelemed.org/press-releases/ata-commends-congress-for-waiving-restrictions-on-telehealth-for-medicare-beneficiaries-in-response-to-the-covid-19-outbreak/">https://www.americantelemed.org/press-releases/ata-commends-congress-for-waiving-restrictions-on-telehealth-for-medicare-beneficiaries-in-response-to-the-covid-19-outbreak/</a> <a href="https://www.psychiatry.org/File%20Library/Psychiatrists/Practice/Telepsychiatry/APA-ATA-Best-Practices-in-Videoconferencing-Based-Telemental-Health.pdf">https://www.psychiatry.org/File%20Library/Psychiatrists/Practice/Telepsychiatry/APA-ATA-Best-Practices-in-Videoconferencing-Based-Telemental-Health.pdf</a> <a href="http://www.fsmb.org/siteassets/advocacy/key-issues/telemedicine_policies_by_state.pdf">http://www.fsmb.org/siteassets/advocacy/key-issues/telemedicine_policies_by_state.pdf</a> <a href="http://hub.americantelemed.org/thesource/resources/telemedicine-forms">http://hub.americantelemed.org/thesource/resources/telemedicine-forms</a>
<b>American Academy of Child and Adolescent Psychiatrists (AACAP)</b> <ul style="list-style-type: none"> <li>Talking to Children About Coronavirus</li> <li>Disaster and Trauma Resources</li> </ul>	<a href="https://www.aacap.org/">https://www.aacap.org/</a>
<b>American Psychological Association</b> <ul style="list-style-type: none"> <li>Practice and licensure guidelines</li> </ul>	<a href="http://www.psypact.org">www.psypact.org</a> <a href="https://www.apa.org/practice/programs/dmhi/research-information/pandemics">https://www.apa.org/practice/programs/dmhi/research-information/pandemics</a>
<b>HIPAA Resources:</b>	
<b>U.S. Department of Health and Human Services (HHS)</b> <ul style="list-style-type: none"> <li>Sharing patient information during an outbreak</li> <li>Safeguarding patient information</li> </ul>	<a href="https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf">https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf</a>

This material is provided as a resource for informational purposes only. It is not intended as, nor does it constitute, legal, technical or other professional advice or recommendations. While reasonable attempts have been made to ensure that this information is accurate and current as of its publication date, we make no claims, guarantees, representations or warranties, either express or implied, as to the accuracy, completeness or adequacy of any information contained herein. Consult your professional advisors or legal counsel for guidance on issues specific to you. Additionally, this material does not address all potential risks and may contain time-sensitive information. No responsibility is assumed to update this material and there is no guarantee or representation that this information will fulfill your specific needs or obligations. This material may not be reproduced or distributed without the express, written permission of Allied World Assurance Company Holdings, Ltd, a Fairfax company ("Allied World"). Actual coverage may vary and is subject to policy language as issued. Risk management services are provided by or arranged through AWAC Services Company, a member company of Allied World. © 2020 Allied World Assurance Company Holdings, Ltd. All rights reserved.