

## VIRTUAL CARE

Hall Render has developed a team of attorneys who focus their practice in the area of Virtual Care. These attorneys regularly work with health care entities throughout the country to develop virtual care programs, and also to advise regarding the implementation and use of telemedicine technology. There is wide variability among jurisdictions in their approach to telemedicine and telehealth. Our attorneys are well versed in each of these jurisdictions and are well situated to address issues involving the professional practice of telemedicine/telehealth, such as licensure, credentialing, scope of practice, consent, record keeping, prescription practices and other aspects of workflow, as well as matters related to reimbursement, provider alignment, procurement, data/privacy and legal compliance. In addition to assisting clients to navigate the existing web of regulatory challenges in the provision of telemedicine/telehealth services, our attorneys work with members of Congress and congressional staff on legislative proposals that would encourage the adoption of telemedicine/telehealth delivery models for eligible services.

Accordingly, Hall Render regularly advises clients on the following aspects of Virtual Care:

- Professional Licensure and Scope of Practice Considerations
  - Physicians and other licensed providers
  - Prescriptive Authority (state and federal)
  - Considerations for establishing a provider-patient relationship
- Credentialing
  - Delegated credentialing
  - Medical Staff Bylaws
- Consent to treatment
  - State law telemedicine specific requirements
  - General consent requirements and implications for minor consent in the context of telemedicine
- Reimbursement
  - Third Party Payor
    - Reimbursement under existing agreements
    - Negotiation of modifications to existing agreements and perspective regarding Payor flexibility
  - Chronic disease management reimbursement (capitated payment models)
- Health care provider-owned insurance plans and/or employer self-insured plans
  - Virtual workplace care clinics

## AREAS OF FOCUS

- Licensure and Scope of Practice
- Reimbursement
- Service Line Innovation
- Telehealth Modality and Platform Considerations

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- Medicare/Medicaid reimbursement analysis and compliance
- Health care provider alignment
  - Joint Marketing Arrangements
  - Community hospitals
  - Specialty Services staffing
  - School based virtual care programs
  - Rural virtual clinics
  - Kiosks
  - Direct to Consumer
  - Virtual follow-up care
- Telemedicine procurement
  - Professional Services contracting
  - Grant funding compliance
  - Anti-Kickback and Stark
- Data privacy
  - HIPAA and GDPR
  - Third Party License Terms
- Medical Record
  - Documentation of telemedicine visit
  - Ownership and availability
  - Encounter reporting obligations under various EHR associated programs (i.e. MACRA)
  - Access and information blocking
- Risk Management
  - Workflow considerations
  - Professional Liability