Telemedicine Trends in 2019

PLUS SE Chapter
August 2019
TELEMEDICINE
INITIAL THOUGHTS

- Telemedicine is becoming much more accepted and widespread – images are better / clearer
- Many think it is an extension of what physicians have always done
- Health insurers are increasingly accepting it/reimbursing for it: 32 states mandate it - Medicare has been slower to accept
- Billions are being invested in new digital telehealth technology.
- Health care executives are embracing it
- The numbers of patient encounters are increasing: 7M in 2018
“Technology-enabled health and care management and delivery systems that extend capacity and access.”

Source: The American Telemedicine Association, 2019
“A two-way, real-time interactive communication between a patient and a physician or practitioner at a distant site through telecommunications equipment that includes, at a minimum, audio and visual equipment.”

Telemedicinemedicaid.gov
http://www.medicaid.gov/medicaid-CHIP-Program--InformationFrom/By-The-Topics/Delivery-Systems/Telemedicine.html
Telemedicine: One Component of the Telehealth Spectrum

Telehealth goes far beyond patient-physician video encounters. It can also encompass:

- **Data storage and review**: Images, video, clinical data
- **Assessment**: Scanners, “tricorders”
- **Communication/Education**: Apps and portals
- **Telemedicine — Real-time care delivery**: Kiosks, video and virtual visits
- **Monitoring**: Glucometers and Wearables

*Telehealth goes far beyond patient-physician video encounters. It can also encompass data storage and review, assessment, communication/education, telemedicine — real-time care delivery, and monitoring.*
THE US TELEHEALTH LANDSCAPE

TELEMEDICINE
- American Well
- Analyte Health
- Avedis
- Avizia
- CareClix
- CortiCare
- InnovateTel
- MDLIVE
- Mecd
- MeMD
- Philips Healthcare
- Polycom
- Sherpaa
- Teladoc
- Virtuwell
- Zipnosis

REMOTE PATIENT MONITORING
- BabyScripts
- Abbott
- GE Healthcare
- Nanit
- Philips Healthcare
- Nihon Kohden
- Biotronik
- Welch Allyn
- Honeywell
- Boston Scientific
- Spacelabs Healthcare
- Validic

MEDICAL ALARMS
- GreatCall
- LifeStation
- HealthRight
- Medical Guardian
- Lifeline
- Lifefone
- MobileHelp
- OneCallAlert
- Medical Alert
- RescueTouch
- ResponseNow
- Rescue Alert

Source: Business Insider Intelligence, 2018
Telemedicine: The Opportunity

Access
Appropriate setting
Cost-effective
Consumer-oriented
Convenient

Source: Willis Towers Watson 2017
Telemedicine
Revenue/Patients Increasing

Global Forecast of Telemedicine Revenue & Telemedicine Patients (estimated)

- $20 Billion
  - 20+ million patients
- $15 Billion
  - 15+ million patients
- $10 Billion
  - 10+ million patients
- $5 Billion
  - 5+ million patients

http://www.realtimetouch.com/market/
Telemedicine: Regulatory Risks

- Licensure of the physician providing services is essential
- Lack of state consistency here is a huge challenge but one must know the laws before proceeding
- General rule: The physician must be licensed where the care occurs
- Any act of diagnosing or recommending care is generally considered the practice of medicine
- Not all states’ laws address telemedicine but many do
- Some states have special telemedicine licensing even for in-state functions; others require full medical licensure
- Most states’ medical boards offer a “common consultation exception” (exempting from licensure) that may apply to telemedicine scenarios
Potential Malpractice Liability

- Jurisdiction is problematic: across state lines or international
- Reform laws may differ, e.g. damage caps
- Statute of limitations may vary, e.g. minors
- The hospital or other entity has a corporate legal duty to credential all telemedicine providers if originating site
- May need to create a category for this under medical staff bylaws
- Compliance with state laws and medical board regs is critical
- Standard of care may vary by venue
- ATA guidelines and specialty-specific guidelines arguably create a standard of care
Liability Issues

Telemedicine Malpractice Cases to Date: Allegations

- Incorrect interpretations of images from home or remote and miscommunication of timeliness of “stat” reading (radiology)
- Failure to communicate presenting symptoms to a remote examining neuro-radiologist and resulting failure to diagnose
- Incorrect interpretation of remote reading of EFM strips
- Failed telepsychiatry communications
- Incorrect diagnosis of bacterial meningitis from a pharmacy kiosk
eHealth is evolving rapidly: Goes way beyond telehealth
  - Artificial intelligence (AI); Robotics; Others

Creates a blend of new liability exposures

Insurance products needed: Tech E&O, Cyber, Product Liability, Medical Professional

One policy?

This is a brave new world: Underwriting challenges

New insurance products needed to address the exposures

Opportunity for premium growth but risk of the unknown
Telemedicine is evolving rapidly: “A disruptive technology…”
- The regulatory and legal framework is evolving rapidly

Telemedicine law and regulation are complex:
Get good legal advice before proceeding

Telemedicine risk is new and evolving but only an infinitesimally small number of claims have occurred

Telemedicine risk can be managed with planning and careful thought
- ATA guidelines
- Specialty-specific guidelines: ACEP, ACR, APA others
- Consent and disclosure of telemedicine limitations
- Documentation in the EMR
Thank You
2019 Annual Sponsors

Healthcare in the Modern Age-Telemedicine & Opioids
Tuesday, August 6, 2019 | 2:00 - 6:00 p.m.
1:30 Registration
2:00-4:00 PM Program
4:00-6:00 PM Networking Reception

The Westin Birmingham
2221 Richard Arrington Jr. Blvd. N., Birmingham, AL 35203

Join us for a two part program as we explore Healthcare trends and what to look out for, with an in-depth analysis of telemedicine and how quickly it is changing the healthcare space and the risks associated with companies who practice. We will also discuss from an attorney and underwriter's perspective the growing Opioid epidemic and how it impacts all parties and the nation as a whole. CE/CLE pending in AL.

Topics Covered:
- Telemedicine Trends
- Opioid Crisis Risks Rising for Healthcare Industry

Speakers:
Paul Greve, Jr., J.D., R.P.L.U., Senior Director, Healthcare Risk Solutions, Markel
Jennifer Schoenthal, Miscellaneous Medical Underwriter, Beazley
Amber Varner, Account Executive, CRC

Moderator:
Lenoid Kanopka, Underwriting Consultant, CNA Insurance

Your Investment: Member $45 | Non-member $70

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Verus Underwriting Managers
Ward Law, LLC
Chapter C.E. Filing Form

(Send to PLUS at least 75 days prior to the program.)

PLUS Chapter: Southeast    Submitted: 5/10/2019
Event Coordinator: Glenda Leonard    Course Date: 08/06/2019
Course Title: Healthcare in the Modern Age-Telemedicine & Opioids
List States in which to File: Alabama

Course Objectives:
Telemedicine is “The use of medical information exchanged from one site to another via electronic communications for the health and education of the patient or health care provider and for the purposes of improving patient care, treatment and services.” This is a relatively new risk to employers, patients, and insureds. This course is designed to provide an in depth analysis of the risk and exposure to all parties.

Part 2 of the course is designed to provide a panel of attorney / underwriter to discuss the growing concern of the opioid crisis and its impact on the nation as a whole.

Brief Description:
Healthcare is a growing field and always at the forefront of any economic discussion. Healthcare reform and is subsequent effects on patients and doctors has a direct impact on insurance and how insurance can impact healthcare costs. In this two part section we will discuss Healthcare trends that we are all experiencing in the marketplace and what to look out for. There will be an in depth analysis of telemedicine and how quickly it is changing the healthcare space and risks associate with companies who practice. We will also discuss the growing opioid epidemic and how it impacts all parties. There will be an attorney / underwriter discussion to help see different perspectives on this growing issue.

Course Outline and duration of each segment):

C.E. Outline

Professional Liability Underwriting Society
Southeast Chapter

August 6, 2019 2PM – 4PM CST

Evolving healthcare exposure in the world of telemedicine
Speakers: Paul Breve / Markel
Jennifer Schoenthal / Beazley

I. Telemedicine Trends - 60 minutes

Paul Breve

A. Telemedicine and Telehealth defined (5 minutes)
   - Define each in both legal and ordinary terms.
B. The opportunity for telemedicine (5 minutes)
   - Discuss the benefits and how we can use it to our advantage
C. Growth of telemedicine, new technology (10 minutes)
   1. Adoption of telemedicine
   2. Graphs showing growth and forecast
   3. Discuss patient acceptance
   4. Physician acceptance
D. Specialty services (10 minutes)
   1. Primary Care Skype/video chat
   2. TeleStroke
   3. TelePsych
   4. Connected Otoscopes
   5. Connected BP Monitors
   6. Remote Cardiac Monitoring
   7. Kiosks
   8. Remote ICU
E. Cost Savings (5 minutes)
   - Discuss savings associated with the technology
D. Legal and Regulatory Issues (5 minutes)

F. Liability Issues (10 minutes)
   1. Jurisdiction
   2. Reform
   3. Bylaws
   4. Privacy, Security, and Patient Confidentiality
   5. Credentialing
   6. Malpractice
G. Risk Management (10 minutes)
II. Opioid Crisis Risks Rising For Healthcare Industry - 50 min – Jennifer Schoenthal

Panel Discussion between Attorney and Jennifer Schoenthal Beazley underwriter

A. Introduction (10 minutes)
B. Opioid Crisis by the numbers (10 minutes)
   1. Opioid death rates
   2. Misuse of prescriptions and disorder
   3. Economic Impact
   4. Possible Coverage Restrictions
   5. Fraud exclusion
   6. Illegal Remuneration Exclusion
C. Claims examples (10 minutes)
D. Panel Discussion and different side perspectives (20 minutes)

III. Questions from the Audience – 10 min