

IDAHO TELEHEALTH COUNCIL

July 10, 2015

Meeting Minutes

ATTENDEES:

LOCATION: 450 W State Street, 10th Floor, Boise, ID

Members Present:

Stacey Carson – Telehealth Council Chairman, Idaho Hospital Association
Becky diVittorio, OptumHealth
William Hazle, Stargazers, LLC
Nancy Kerr, Idaho Board of Medicine
Paul McPherson, St. Luke's Children's Hospital
David Morledge, Neurostatus, LLC
Tracey Sessions, Idaho State Hospital South
Molly Steckel, Policy Director
Mitch Toryanski, Bureau of Occupational Licenses
Matt Wimmer, Department of Health and Welfare, Division of Medicaid

Teleconference:

Melissa Christian, Regence BlueShield
Rick Goodwin, Eastern Idaho Regional Medical Center
Casey Meza, Affiliated Health Services, Kootenai Health
Michael Meza, Kootenai Health
Ken Schaecher, Select Health

Members Absent:

Susan Ault, Idaho Primary Care Association
Marc Chasin, St. Luke's Health System
William Ganz, Idaho Board of Medicine
Rhonda Robinson Beale, Blue Cross of Idaho
Mary Sheridan, Department of Health and Welfare, Division of Public Health
Tiffany Whitmore Seibert, Saint Alphonsus Health System
Representative John Rusche

DHW Staff Present:

Cynthia York, Administrator, Office of Healthcare Policy Initiatives
Miro Barac, RC Project Manager, Office of Healthcare Policy Initiatives
Stephanie Sayegh, Health Program Specialist, Public Health
Kim Thurston, Administrative Assistant, Office of Healthcare Policy Initiatives

Guest Teleconference:

Ann Watkins, Grants/Contract Officer, Office of Healthcare Policy Initiatives
Susan McDonald, Optum

Guests:

Kathy McGill, Department of Insurance
Corey Surber, Saint Alphonsus Health System
Jean Uranga, J.D.
Sara Barties, BPA
Steve Rector, Pinnacle Business Group
Mandy McLennon, Pinnacle Business Group
Tim Olson, Pinnacle Business Group
Lynsey Winters-Juel, Jannus

1. Welcome and Introductions – Stacey Carson, Telehealth Council Chair

- ✚ Stacey Carson welcomed everyone.

2. Approve Minutes – Stacey Carson, Telehealth Council Chair

- ✚ Dr. Morledge moved to approve the Idaho Telehealth Council (ITC) meeting minutes from the June 19, 2015, meeting. Matt Wimmer seconded the motion, motion carried.

3. Review DRAFT Rules Relating to Telehealth Services from Idaho Board of Medicine (BOM):

- ✚ Nancy Kerr, Idaho Board of Medicine presented the draft IDAPA Title 01, Chapter 15, Rules Relating to Telehealth Services to the ITC members. These draft rules were previously sent the Council members for prior review. Ms. Kerr along with Jean Urunga discussed the draft rules with the Council members. The goal of this discussion was to relay any potential issues or concerns the Coalition members might have to the BOM.
- ✚ Council members were instructed to submit questions, concerns, and comments in writing to the BOM. Ms. Kerr has requested comments by the end of next week.

4. Idaho Telehealth Subcommittee Overview and Updates:

- ✚ Ms. Carson shared information from Nicole McKay, Deputy Attorney General, regarding the Idaho Open Meeting Law as well as any antitrust law compliance questions the Council had posed. Highlights from that discussion are listed below:
 - ◆ Subcommittee Parameters are:
 - The subcommittees do not have the authority to make decisions or speak on behalf of the Council. Decisions are defined to include “any determination, action, vote or final disposition upon a motion, proposal, etc. Subcommittees will gather data and provide findings and forward input to the Council for formal action.
 - Nicole indicated that these subcommittees technically do not need to follow the Open Meeting Law because they do not have the power to make a decision on behalf of the Council. However, to avoid the appearance of trying to circumvent the Open Meeting Law, she recommended that the subcommittees post their agendas according to the Open Meeting Law.
 - The Council Chair may be a member of the subcommittees, and as Council Chair, will be allowing the subcommittee chairs to determine subcommittee composition and prepare agendas. The subcommittee scope is defined by the workplan(s) approved by the Council (which delineates scope of work, goals, objectives, and activities).
 - In order to avoid antitrust concerns in Goal One subcommittee, Nicole advised that data collection be restricted to: telehealth service utilization, types of services covered, distance requirements, eligible patient population, eligible providers, authorized technologies, originating site restrictions, etc. The one data point we SHALL NOT DISCUSS at any point in time is reimbursement NUMBERS, RATES, PAYMENTS.
 - ◆ Nicole offered to attend subcommittee meetings if members require her counsel.
- ✚ Reimbursement Subcommittee:
 - ◆ Dr. Ken Schaecher and Tracey Sessions volunteered to co-chair the Reimbursement Subcommittee. Dr. Schaecher reported that he has a long list of candidates that have volunteered to serve. The Subcommittee will be meeting in the next couple of weeks. Dr. Schaecher voiced one concern about having multiple members from the same organization on the Subcommittee. He stated that the Subcommittee should have equal and fair representation.
- ✚ SHIP Subcommittee:
 - ◆ Stephanie Sayegh, Health Program Specialist, updated the Council members in Mary Sheridan’s absence, on the status of the SHIP Subcommittee (Goal 2). They are identifying key stakeholders to serve on the Subcommittee as well as a calendar of meeting dates.

5. Next Steps

- ✚ August 14, 2015, and September 11, 2015 are the next meeting dates for the Telehealth Council.
- ✚ Matt Wimmer, Division of Medicaid announced that rules that may be relevant to Telehealth should be published in the August Administration Rules Bulletin. Matt will send drafts to the ITC members.
- ✚ Council members were instructed to email Ms. Carson with any other agenda items.

With no further business to come before the Council, Ms. Carson adjourned the meeting at 11:40 a.m.

IDAHO MEDICAL ASSOCIATION HOUSE OF DELEGATES

JULY 17-19, 2015

RESOLUTION 209 (15)

SUBJECT: SUPPORT FOR EQUITABLE REIMBURSEMENT FOR
TELEHEALTH SERVICES

AUTHOR: JIM SOUZA, MD; LAURA MCGEORGE, MD; KENNETH
BRAMWELL, MD

SPONSORED BY: JIM SOUZA, MD; LAURA MCGEORGE, MD; KENNETH
BRAMWELL, MD

1 WHEREAS, The Idaho Legislature passed legislation during the 2015
2 legislative session setting forth minimum standards and guidelines
3 for telehealth services in Idaho, while also encouraging the
4 responsible use of these services for the good of Idaho's citizens;
5 and

6
7 WHEREAS, Telehealth, broadly defined as the delivery of medical and health-
8 related services and information via telecommunications
9 technologies, is a tool in medical practice and not a separate form
10 of medicine; and

11
12 WHEREAS, Telehealth services enhance access to healthcare, make delivery of
13 healthcare more cost-effective and distribute limited healthcare
14 provider resources more efficiently; and

15
16 WHEREAS, Citizens with limited access to traditional healthcare may be
17 diagnosed and treated sooner through telehealth services than they

ADOPTED AS AMENDED

1 would be otherwise, resulting in improved health outcomes and
2 less costly treatments due to early detection, treatment and
3 prevention; and
4

5 WHEREAS, Telehealth services address an unmet need for healthcare by
6 persons who have limited access to such care due to provider
7 shortages or geographic barriers; and
8

9 WHEREAS, Telehealth services provide increased capacity for appropriate care
10 in the appropriate location at the appropriate time to better serve
11 patients, providers and communities; and
12

13 WHEREAS, When practiced safely, telehealth services result in improvement in
14 health outcomes by expanding healthcare access for the people of
15 Idaho; and
16

17 WHEREAS, Limited reimbursement for telehealth services is a significant
18 barrier to care for patients, particularly in rural areas; and
19

20 WHEREAS, As long as the applicable Idaho community standard of care is met
21 while providing care via telehealth methods, those services should
22 be covered to the same extent, and in a similar manner, as in-
23 person services; therefore be it

1 RESOLVED, That the Idaho Medical Association adopt policy supporting
2 reimbursement by all private and governmental third party payers
3 for telehealth services for consultation or referral arrangements
4 equitable to their reimbursement for comparable non-telehealth
5 services that meet the applicable Idaho community standard of
6 care; and be it further

7
8 RESOLVED, That the Idaho Medical Association work with stakeholders,
9 including the Idaho Telehealth Council, the Idaho Hospital
10 Association, and others to seek reimbursement by all private and
11 governmental third party payers for telehealth services for
12 consultation or referral arrangements equitable to their
13 reimbursement for comparable non-telehealth services that meet
14 the applicable Idaho community standard of care.

15
16 EXISTING IMA POLICY: None

17 IMA FISCAL NOTE: \$\$\$\$

18 STATE OF IDAHO FISCAL NOTE: UNKNOWN AT THIS TIME

19 IMA RESOURCE ALLOCATION: HIGH

20 DEGREE OF DIFFICULTY: HIGH

**IDAPA 22
TITLE 01
CHAPTER 15**

IDAPA 22 BOARD OF MEDICINE

22.01.15 - RULES RELATING TO TELEHEALTH SERVICES

000. LEGAL AUTHORITY. Pursuant to Section 54-5613 and Section 54-1806(2), Idaho Code, the Idaho State Board of Medicine (Board) is authorized to promulgate rules relating to telehealth services. (_____)

001. TITLE AND SCOPE. These rules shall be cited as IDAPA 22.01.15, "Rules Relating to Telehealth Services." (_____)

002. WRITTEN INTERPRETATIONS. Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the Board, 1755 Westgate Drive, Suite 140, Box 83720 Boise, Idaho 83720-0058. (_____)

003. ADMINISTRATIVE APPEAL. All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedures of the Attorney General" and this chapter. (_____)

004. PUBLIC RECORD ACT COMPLIANCE. These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (_____)

005. INCORPORATION BY REFERENCE. The Idaho Telehealth Access Act, Chapter 56, Title 54, Idaho Code is incorporated by reference into these rules. (_____)

006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS. The central office of the Board shall be in Boise, Idaho. The Board's mailing address, unless otherwise indicated, shall be Idaho State Board of Medicine, Statehouse Mail, Boise, Idaho 83720. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. The telephone number of the Board is (208) 327-7000. The Board's facsimile (FAX) number is (208) 327-7005. The Board's website is www.bom.idaho.gov. The Board's office hours for filing documents are 8:00 a.m. to 5:00 p.m. MST. (_____)

007. FILING OF DOCUMENTS -- NUMBER OF COPIES. All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and one (1) electronic copy of all documents must be filed with the office of the Board. (_____)

008. -- 009. (RESERVED)

010. DEFINITIONS.

.01 "Board" means the Idaho State Board of Medicine. (_____)

.02 The other definitions applicable to these rules are those definitions set forth in the Idaho Telehealth Access Act and in Idaho Code Section 54-5603. (_____)

011. IDAHO LICENSE REQUIRED. Any physician, physician's assistant, respiratory therapist, polysomnographer, dietician or athletic trainer who provides any telehealth services to patients located in Idaho must hold an active Idaho license issued by the Idaho State Board of Medicine for their applicable practice. (_____)

012. PROVIDER-PATIENT RELATIONSHIP. In addition to the requirements set forth in Idaho Code Section 54-5605, during the first contact with the patient, a provider licensed by the Idaho State Board of Medicine who is providing telehealth services shall: (_____)

01. Verify the location and identity of the patient; (_____)

02. Disclose to the patient the provider's identity, their current location and telephone number and Idaho license number; (_____)

03. Obtain appropriate consents from the patient after disclosures regarding the delivery models and treatment methods or limitations, including a special informed consent regarding the use of telehealth technologies; and (_____)

04. Allow the patient an opportunity to select their provider rather than being assigned a provider at random to the extent possible. (_____)

013. STANDARD OF CARE. A provider providing telehealth services to patients located in Idaho must comply with the applicable Idaho community standard of care. The provider shall be personally responsible to familiarize themselves with the applicable Idaho community standard of care. If a patient's presenting symptoms and conditions require a physical examination, lab work or imaging studies in order to make a diagnosis, the provider shall not provide diagnosis or treatment through telehealth services unless or until such information is obtained. (_____)

014. INFORMED CONSENT. In addition to the requirements of Idaho Code Section 54-5608, evidence documenting appropriate patient informed consent for the use of telehealth technologies must be obtained and maintained at regular intervals consistent with the community standard of care. Appropriate informed consent should, at a minimum, include the following terms: (_____)

01. Identification of the patient, the provider and the provider's credentials; (_____)

02. Agreement of the patient that the provider will determine whether or not the condition being diagnosed and/or treated is appropriate for telehealth services; (_____)

03. Information on the security measures taken with the use of telehealth technologies, such as encrypting data, password protected screen savers and data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy and notwithstanding such measures; (_____)

04. Disclosure that information may be lost due to technical failures. (_____)

015. MEDICAL RECORDS. As required by Idaho Code §54-5611, any provider providing telehealth services as part of his or her practice shall generate and maintain medical records for each patient. The medical record should include, copies of all patient-related electronic communications, including patient-physician communications, prescriptions, laboratory and test results, evaluations and consultations, relevant information of past care, and instructions obtained or produced in connection with the utilization of telehealth technologies. Informed consents obtained in connection with the provision of telehealth services should also be documented in the medical record. The patient record established during the provision of telehealth services must be accessible and documented for both the physician and the patient, consistent with all established laws and regulations governing patient healthcare records. (_____)