# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER. EL PASO

## *Ambulatory Clinic Policy and Procedure*

| Title: **PRACTICE OF TELEMEDICINE** | Policy Number: **EP 5.23** |
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| Regulation Reference: | Effective Date: **02/2023** |

## Policy Statement:

It is the policy of Texas Tech Physicians of El Paso (TTP-EP) to set good faith provisions and operational standards to address the use of telemedicine technologies and related patient information to provide necessary and safe clinical care for its patients remotely, when concerns for safety or in-person physical access to the clinics make this a preferred modality.

This policy replaces the "Telemedicine Guidelines for Continuity of Operations During COVID-19" adopted by the Texas Tech University Health Sciences Center at El Paso (TTUHSC-EP) School of Medicine in August of 2020 to address the acute need generated by this pandemic.

## Scope and Distribution:

This policy applies and will be distributed to all TTP-EP Ambulatory Clinics.

This policy applies to the practice of telemedicine in consideration of the national health emergency generated by the COVID-19 pandemic as declared by the Department of Health and Human Services, as well as beyond such state of emergency.

This policy applies to telemedicine provided for any reason, regardless of whether the telehealth service is related to the diagnosis and treatment of health conditions related to COVID-19.

## Definitions:

**Telemedicine in TTP-EP clinics**: The provision of clinical care for ambulatory patients in formal clinical encounters performed remotely via audio and/or video technologies.

**Option of telemedicine**: Telemedicine is an optional modality to be used in the clinics when it is agreeable to both provider and patient, based on the patient condition and location, nature of clinical service, and local safety conditions. The Dean of the TTUHSC-EP School of Medicine is the only one that may mandate the use of telemedicine otherwise.

## Procedure:

1. **Providers of telemedicine**:

   a. All providers with TTP-EP Clinic privileges are authorized to use telemedicine for clinical encounters in accordance with Credentialing Policy CO1.7. In every case, the practice of telemedicine must remain within the scope of the clinic privileges granted at the time of the practitioner's last Professional Staff appointment, and be limited to evaluation and treatment reasonably performed with this modality.

   b. Providers using telehealth communication technologies must abide by the TTUHSC-EP Acceptable Use Policy (OP 56.01) and standards for Transmission of Personally Identifiable Information (PII) and Protected Health Information (PHI).

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2. **Setting to provide telemedicine**:

   a. Health care providers will ordinarily conduct telemedicine in private settings, such as a doctor in a clinic or office connecting to a patient who is at home or located at another clinic. Providers should always use private locations, and patients should not receive telemedicine services in public or semi-public settings, absent patient consent, or exigent circumstances. If telemedicine cannot be provided in a private setting, covered health care providers should continue to implement reasonable HIPAA safeguards to limit incidental uses or disclosures of protected health information (PHI). Such reasonable precautions could include using lowered voices, not using a speakerphone, or recommending that the patient move to a reasonable distance from others when discussing PHI.

3. **Technologies to provide telemedicine**:

   a. Audio only encounters must be performed via TTUHSC-EP phone lines.

   b. ***Providers are <u>not permitted to use non-approved or public-facing applications</u> to provide patient care.*** A public facing application is a remote communication product that, as a default, allows anyone to participate in the communication regardless of the intended party, security protocol, or privacy to the patient.

   c. Only TTUHSC licensed doxy.me software may be used by providers. The free version of Doxy.me is not available as an option to providers due to not being covered under the Business Associate Agreement.

   d. TTUHSC EP Information Technology Supported and Approved Applications for TeleHealth and Remote Work:

      i. Microsoft contract and security handled by TTUHSC Lubbock
      ii. Encrypted email only after verification of identity of patient
      iii. Doctors personal devices must meet criteria outlined in "Acceptable Use Policy" OP 56.01
      iv. TTUHSC licensed doxy.me software. Doxy.me free edition is not a licensed TTUHSC enterprise product. Therefore, the product is not to be used for Telemedicine by the providers.

   e. TTUHSC EP cannot access accounts other than the above supported and approved applications, or in any other way, support the application, or special needs associated with usage. While the software will not be blocked on the TTUHSC EP systems and network, no special provisions will be made to enable such software in clinical settings where it is not available.
   f. All devices used for telehealth, including personal computers, smart phones or other devices, must follow information security guidelines for encryption and data loss

prevention to include the following:

a. <u>Passwords</u>. A password of eight characters or PIN with a minimum of four characters must be used to log onto the device
b. <u>Encryption</u>. The data on a device must be encrypted.
c. <u>Anti-malware</u>. Anti-malware software must be installed on devices that are capable of running such software:
    a. <u>Android</u>: Android devices are required to have anti-malware software installed.
    b. <u>Windows</u>: Windows devices are required to have anti-virus and anti-malware software installed.
    c. <u>Apple</u>: The Apple iOS is not currently capable of running anti-malware software, since no such software exists, based on the design of the iOS. Anti-virus software is required.
d. <u>Wireless</u>. Users are required to utilize good judgment when connecting the device to other devices and networks:
e. <u>Bluetooth</u>: Passwords or PINs must be used to secure Bluetooth connections with devices and block unknown devices.

g. Information Resources including network connectivity are provided for the express purpose of conducting businesses of TTUHSC EP only.

4. **Users responsibilities**:

a. Users have no expectation of privacy for institutional data residing on personally owned devices, regardless of why the data was placed on the personal device. TTUHSC EP may monitor its information resources without notice.

b. Users are responsible for managing their use of information resources and are accountable for their actions relating to Information Technology security policies and procedures and are required to comply with institutional information resources use and security policies at all times.

c. Users are responsible for understanding TTUHSC EP data handling requirements, and ensuring their data handling and usage is in compliance at all times.

d. Users must not disclose or share confidential information, except as required by law, authorized by official duties, and with formal agreements that ensure third parties will adequately protect it.

e. Providers are encouraged to notify patients that third-party applications potentially introduce privacy risks, and providers are required to enable all available encryption and privacy modes when using such applications.

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    f.   Providers deviating from TTUHSC EP guidelines may be accepting the risk of information security violations, penalties, fines, and sanctions as handed down by federal, state, and local governing entities.

5. **Practice of Telemedicine for New Mexico residents:**

    a.   To continue this practice, providers will need to obtain a New Mexico permanent license or telemedicine license:  NM Physician Licensure Requirements  Title 16, Chapter 10, Part 2  16.010.0002.pdf

    b.   In all cases, the clinic should confirm that a signed Governing Law and Venue letter, in electronic or paper form (content shown in appendix A) and less than 12 months old, is in the medical record before the visit.

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| Signatory approval on file by: | Juan Figueroa, M.D.<br>Director of Clinical Operations<br>Clinic Operations Committee, Chair<br>Texas Tech Physicians of El Paso | |
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| | Thomas O'Neill, MD<br>Chief Medical Information Officer<br>Texas Tech Physicians of El Paso | Thomas O'Neill (Feb 21, 2023 10:47 MST) |
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