

Position Statement on Teledermatology

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Telemedicine is an innovative, rapidly evolving method of care delivery. The Academy supports the appropriate use of telemedicine as a means of improving access to the expertise of Board certified dermatologists to provide high-quality, high-value care. Telemedicine can also serve to improve patient care coordination and communication between other specialties and dermatology.

The Academy strongly supports coverage and payment for telemedicine services provided by Board certified dermatologists when several important criteria are met (see details below in section III). These criteria are essential to ensure that dermatologic care provided by telemedicine is of high quality, contributes to care coordination (rather than fragmentation), meets state licensure and other legal requirements, maintains patient choice and transparency, and protects patient privacy. Patients seeking care delivered via telemedicine should have a choice of provider when possible and be made aware of their cost sharing responsibility. Additionally, insurers should not require their members to use telemedicine in lieu of an in-person service with a community provider.

While teledermatology is a viable option to deliver high-quality care to patients in some circumstances, the Academy supports the preservation of a patient's choice to have access to in-person dermatology services and teledermatology services. There are some skin findings for which an in-person examination by a dermatologist provides additional information that may not otherwise be obtainable by teledermatology alone.

Teledermatology is the practice of medicine. Board certified dermatologists have extensive knowledge and expertise in cutaneous medicine, surgery, and pathology. Whether in-person or via teledermatology, the optimal delivery of dermatologic care involves board certified dermatologists.

Teledermatology providers choose between or combine two fundamentally different care delivery platforms (Store-and-Forward vs. Live Interactive), each of which has strengths and weaknesses.

I. LIVE INTERACTIVE TELEDERMATOLOGY

a. Definition

Live interactive teledermatology takes advantage of videoconferencing as its core technology. Participants are separated by distance, but interact in real time. By convention, the site where the patient is located is referred to as the originating site and the site where the consultant is located is referred to as the distant site.

b. Technology

A high resolution video camera is required at the originating site, and a monitor with resolution matched to the camera resolution is required at the distant site. Videoconferencing systems work optimally when a connection speed of >384 kbps is used. Slower connection speeds may necessitate that the individual presenting the patient perform either still image capture or freeze frame to render a quality image. For most diagnostic images, a minimum resolution of 800 x 600 pixels (480,000) is required, but higher resolution may increase diagnostic fidelity.

c. Credentialing and Privileging

The Joint Commission (TJC) has implemented standards for telemedicine. Under the TJC telemedicine standards, practitioners who render care using live interactive systems are subject to credentialing and privileging at the distant site when they are providing direct care

to the patient. The originating site may use the credentialing and privileging information from the distant site if all the following requirements are met: (i) the distant site is TJC-accredited; (ii) the practitioner is privileged at the distant site for those services that are provided at the originating site; and (iii) the originating site has evidence of an internal review of the practitioner's performance of these privileges and sends to the distant site information that is useful to assess the practitioner's quality of care, treatment, and services for use in privileging and performance management.

d. Privacy and Confidentiality

Practitioners who practice telemedicine should ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and its implementing regulations. While video or store-and-forward transmissions over ISDN infrastructure are thought to be secure, IP transmissions should be encrypted when transmitted over the public internet to ensure security. IP encryption in other settings such as private or semi-private networks is also highly recommended. The handling of records, faxes, and communications is subject to the same HIPAA standards as apply in a standard office environment.

e. Licensing

Interactive telemedicine requires the equivalent of direct patient contact. In the U.S., tele dermatology using interactive technologies is restricted to jurisdictions where the provider is permitted, by law, to practice. In other words, the provider using interactive technologies usually must be licensed to practice medicine in the jurisdiction where the patient is located.

f. Current Reimbursement

Medicare reimburses for live-interactive consultations, office visits, individual psychotherapy, and pharmacologic management delivered via a telecommunications system for patients located in non-metropolitan statistical areas (non-MSAs). This includes nearly all rural counties. A definition and listing of qualified areas is available via U.S. Census data at <http://www.census.gov/population/metro>. However, there is no limitation on the location of the health professional delivering the medical service. In some states, Medicaid reimburses for telemedicine services as well, but many have restrictions. Private insurers vary in their policies, but most will reimburse services provided to patients in rural areas. It is recommended that the provider write a letter of intent to the insurer informing them that the provider will be billing for telemedicine services. For the latest reimbursement information, see the American Telemedicine Association or CMS websites.

g. Responsibility / Liability

If a direct-patient-care-model (provider to patient) is used (no provider at the referring site), the consulting dermatologist bears full responsibility (and potential liability) for the patient's care. The diagnostic and therapeutic recommendations rendered are based solely on information provided by the patient. Therefore, any liability should be based on the information available at the time the consult was answered. In a consultative model (provide to provider), liability may be shared; however, the allocation of responsibilities will vary on a case-by case and state-by state basis. In either case, dermatologists should verify that their medical liability insurance policy covers telemedicine services, including telemedicine services provided across state lines if applicable, prior to the delivery of any telemedicine service.

II. STORE-AND-FORWARD TELEDERMATOLOGY

a. Definitions

Store-and-forward tele dermatology refers to a method of providing asynchronous consultations to referring providers or patients. A dermatologic history and a set of images are collected at the point of care and transmitted for review by the dermatologist. In turn, the dermatologist provides a consultative report back to the referring provider or patient at the point of care. Store-and-forward tele dermatology is used in several settings:

1. Telerriage involves the review of patient cases transmitted by a referring provider to determine which patients need to be seen in-person by a dermatologist, which patients can be cared for by teleconsultation, and which patients may not need dermatologic referral.
2. Teleconsultation involves the review of patient cases transmitted by a referring provider and the provision of a consultative report back to the referring provider. Unless the patient's care is then transferred to the consulting dermatologist, the referring provider typically maintains responsibility for carrying out treatment recommendations.
3. Direct-to-patient telemedicine involves a patient originating his/her own consultation by transmitting a medical history and images to a dermatologist, who then receives some form of care from the dermatologist

b. Technology

A digital camera, whether integrated in a mobile handheld device or comprehensive telecommunications system or a stand-alone product, with a minimum of 800 x 600 pixel (480,000) resolution is required; however, higher resolutions may increase diagnostic fidelity. For systems that transmit over the Internet, a minimum 128-bit encryption and password-level authentication are recommended.

c. Credentialing and Privileging

Practitioners who render care using store-and-forward systems are viewed by TJC as "consultants" and may not be required to be credentialed at the originating site. However, standards can vary by state and organization.

d. Privacy and Confidentiality

In this case, HIPAA compliance is largely a matter of the originating site letting patients know that their information will be traveling by electronic means to another site for consultation. This should be noted in the consent form at the point of care, and the HIPAA notice of privacy practices. In addition, all electronic transmissions should be encrypted and reasonable care should be taken to authenticate those providers who have electronic access to the records.

e. Licensing

Most states require the physician to be licensed in the same state as where the patient resides, even when he or she acts only as a consultant. Providers who wish to provide store-and-forward consultations across state lines should limit such consultations to originating states in which they are permitted, by law, to provide care.

f. Current Reimbursement

As of 2014, CMS reimburses store-and-forward tele dermatology only as a demonstration project in Hawaii and Alaska. However, several states are currently reimbursing store-and-forward tele dermatology for Medicaid patients. There are also private insurers that are paying for store and forward modalities, including those that are part of a Medicare Advantage plan. Providers who wish to provide store-and-forward services should inquire with their payers regarding reimbursement.

g. Responsibility / Liability

In the teletriage and teleconsultation models (provider to provider), the referring provider ultimately manages the patient with the aid of the consultant's recommendations. The referring provider may accept the recommendations in part or whole or none at all, and the responsibility and potential liability in this scenario may be shared (between the referring provider and the consultant) based on the extent to which the recommendations were followed by the referring provider. If a direct-to-patient model (provider to patient) is used (no provider at the referring site), the responsibility and potential liability rests entirely on the tele dermatologist. In this case, the tele dermatologist would also be responsible to ensure proper follow up and to address any medication complications. Dermatologists should verify that their medical liability insurance policy covers telemedicine services, including telemedicine services provided across state lines if applicable, prior to the delivery of any telemedicine service.

III. CRITERIA for HIGH QUALITY TELEDERMATOLOGY

The Academy supports the use of telemedicine services provided by Board certified dermatologists, as well as coverage and payment for those services, when several important criteria are met:

- a. Physicians delivering tele dermatology services must be licensed in the state in which the patient receives services, and must abide by that state's licensure laws and medical practice laws and regulations. Emergency treatment and situations that arise when a dermatologist's existing patient is traveling to another state should be exceptions to this requirement, though existing laws and regulations may still apply. The Academy supports efforts by State Medical Boards to facilitate and lower burdens for physicians to obtain licenses in multiple states.
- b. Patients or referring physicians seeking tele dermatology services must have a choice of dermatologist if possible, and must have access in advance to the licensure and board certification qualifications of the clinician providing care. The delivery of tele dermatology services must be consistent with state scope of practice laws. The Academy strongly believes that any use of non-physician clinicians in the delivery of tele dermatology should abide by the supervision requirements in the Academy's Position Statement on the Practice of Dermatology.
- c. The patient's relevant medical history must be collected as part of the provision of tele dermatology services. For teletriage and teleconsultation, appropriate medical records should be available to the consulting dermatologist prior to or at the time of the telemedicine encounter. Consulting dermatologists should have a good understanding of the culture, health care infrastructure, and patient resources available at the site from which consults are originating.
- d. The provision of tele dermatology services must be properly documented. These medical records should be available at the consultant site, and for teletriage and teleconsultation services, should also be available at the referral site.

- e. The provision of tele dermatology services should include care coordination with the patient's existing primary care physician or medical home, and existing dermatologist if one exists. This should include, at a minimum, identifying the patient's existing primary care physician and dermatologist in the tele dermatology record, and providing a copy of the medical record to those existing members of the treatment team who do not have electronic access to it. This is especially important so that information about diagnoses, test results, and medication changes are available to the existing care team.
- f. Organizations and clinicians participating in tele dermatology should have an active training and quality assurance program for both the distant and receiving sites. In addition, those programs that are using tele dermatology should have documentation of their training programs for any technician who is capturing clinical images and for any manager who is handling consults. Each organization should also maintain documentation on how the program protects patient privacy, promotes high quality clinical and image data, continuity of care, and care coordination for patients who may require subsequent in-person evaluations or procedures.
- g. Organizations and clinicians participating in tele dermatology must have protocols for local referrals (in the patient's geographic area) for urgent and emergency services.
- h. The physician-patient relationship:
 - a. For teletriage and teleconsultation services where a referring provider ultimately manages the patient (including the prescription of medications), the consulting dermatologist is **not** required to have a pre-existing, valid patient-physician relationship. It is optimal, however, if the patient has available access to in-person follow-up with a local, board-certified dermatologist if needed.
 - b. For direct-to-patient tele dermatology, the Academy believes that the consulting dermatologist must either:
 - i. Have an existing physician-patient relationship (having previously seen the patient in-person), or
 - ii. Create a physician-patient relationship through the use of a live-interactive face-to-face consultation before the use of store-and-forward technology, or
 - iii. Be a part of an integrated health delivery system where the patient already receives care, in which the consulting dermatologist has access to the patient's existing medical record and can coordinate follow-up care.
- i. The use of **direct-to-patient tele dermatology** raises several additional issues (and all of the above criteria still apply):
 - a. Providers must exercise caution regarding direct prescribing for patients via electronic communications and should familiarize themselves with state regulations. States may have regulations that discourage or prohibit practitioners from prescribing for patients that they have not seen face to face. In many cases, the wording of these regulations is such that a live interactive teleconsultation would meet the requirements for a "face to face exam." The Federation of State Medical Boards established a National Clearinghouse on Internet Prescribing located at http://www.fsmb.org/ncip_overview.html. The Clearinghouse includes

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a state-by-state breakdown of jurisdiction, regulations, and actions related to the regulation of Internet prescribing.

- b. Dermatologists providing direct-to-patient tele dermatology must make every effort to collect accurate, complete, and quality clinical information. When appropriate, the dermatologist may wish to contact the primary care providers or other specialists to obtain additional corroborating information.
- c. Photographs obtained by patients, their family members, or their friends outside of a clinical setting may not be of adequate quality, or may not include the appropriate lesions or areas, to make an accurate diagnosis.

Mechanisms to facilitate continuity of care, follow-up care, and referrals for urgent and emergency services in the patient's geographic area must be in place. Any new medications prescribed or changes in existing medications must be communicated directly to the patient's existing care team (unless they have easy electronic access to the tele dermatology record).

- d. The AAD believes that when creating directories of participating physicians or establishing network adequacy, an insurer should not consider telehealth access as a substitute for locally available dermatologists who can offer the full spectrum of medical and surgical care for skin diseases.
- e. The Academy supports tele dermatology services designed and dedicated to consistently provide demonstrably high-quality patient care.
- f. The Academy does not support tele dermatology services that offer easy prescriptions without an adequate history, examination and valid/proper patient-provider relationship.
- g. The Academy does not support tele dermatology services that prioritize business interests over the quality and safety of patient care.

Disclaimer

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