



Every day we hear from our insureds on the Risk Management Hotline, and we will be sharing some of those questions and answers with you.

Our Risk Management Team is here to help you minimize and mitigate Medical Professional Liability risk.



Preparing Your Practice for Post COVID-19 Patient Care - Prescription Refills

Prior to the COVID-19 pandemic, most states required a physician examination at some point in relation to prescribing medications. However, a few patients needing new prescriptions or refills balked at the cost of an appointment and/or the time an appointment would take. Now, COVID-19 has forced many practices into telemedicine or telehealth.

In response to the pandemic and move to telemedicine, many governors' executive orders, state boards of medicine and pharmacy, and third party payors have temporarily softened requirements for physical examinations related to prescriptions and reimbursement for telemedicine visits. Arizona Executive Order 2020-15, effective March 25, 2020 through the termination of the Governor's Declaration of Public Health Emergency, prohibits regulatory boards from enforcing statutes, rules, or regulations requiring medical professionals licensed by those boards and authorized to write prescriptions to conduct an in-person examination of a patient prior to the issuance of a prescription. Physicians and other prescribers registered with the Drug Enforcement Agency may prescribe schedule II-V controlled substances for patients for whom they have not conducted an in-person medical evaluation as long as they meet certain conditions.

In a matter of weeks, many patients have grown comfortable with the ease of telemedicine, especially for prescriptions and refills. Patients may be more hesitant after the pandemic or lifting of stay-at-home orders to return to medical practices for in-person appointments.

We cannot predict how the post stay-at-home world will look but there are things physicians and their practices can do now to prepare for that world.

- Continue notifying patients of the risks of telemedicine, including insufficient transmission of data or images, delays in diagnosis or treatment related to equipment problems or failures, and the potential breach of confidentiality or privacy related to transmission of data or images.
- Remind patients during patient telemedicine visits and telephone calls that using the telephone, FaceTime, Zoom, Doxy.me, other telemedicine platforms, etc. for everything not requiring face-to-face contact is temporary and we do not know when or if these changes will become permanent.
- Persist in collecting and documenting information supporting the appropriateness of and indications and safety considerations for prescriptions. This information may include the patient's clinical history, current signs and symptoms, diagnosis or possible diagnosis, and other information necessary to identifying potential risks to proposed or continued prescribing.
- Explain to patients the benefits of in-person visits and physical examinations for certain situations, such as patients taking medications long-term without **apparent** side effects but still needing periodic evaluation.

The Risk Management Services Hotline is for questions about daily operations or urgent situations. For more information or to schedule on-site or Zoom education, professional liability risk assessments, and consultations, call or email the Hotline.

Risk Management Services Hotline
Monday - Friday 8:30 am MST – 5:00 pm MST
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