

POLICY AND OPERATIONAL STANDARDS

KTHN007 – TELEHEALTH PROVIDER LICENSURE POLICY

Telehealth providers shall insure patient's informed consent and maintain confidentiality in accordance with the Individual Provider Licensure Board's Statutes and Regulations

BOARD REVIEW AND APPROVAL – MARCH 25, 2014

While not noted in federal statute or regulatory language, the standard practice of telehealth is that the "place of service" is where the patient is located. This is what triggers the requirement for telehealth providers to be licensed in the state where the patient is located during the clinical encounter and that provider is to be credentialed/privileged (when required by the facility) at the healthcare facility where the patient is located during the clinical encounter.

Duty of license providers Utilizing Telehealth to Insure Patient's Informed Consent and Maintain Confidentiality in accordance with KRS 311.5975.

A license provider or other eligible providers who provides or facilitates the use of telehealth shall ensure:

- A. That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and
 - B. That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conforms to applicable federal law.
- The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:
 - A. Prevent abuse and fraud through the use of telehealth services;
 - B. Prevent fee-splitting through the use of telehealth services; and,
 - C. Utilize telehealth in the provision of medical services and in the provision of continuing medical education.