

Compliance Updates Q&A

April 17, 2020

Q1: Once you get the license, is it retroactive to services previously provided?

- It is not retroactive. The license will begin on the date New Mexico assigns to it, which will probably be the date they grant the license.

Q2: If an APRN is doing telehealth, can they see a New Mexico patient?

- With the New Mexico license, they can.
- If the APRN has a compact or multi-state license, they don't need a license by endorsement.

Q3: Do we need a New Mexico license to return a patient's phone call when the patient has a question?

- If someone wanted to be extremely technical, they would call this a practice of medicine. A representative of the New Mexico Medical Board indicated that they would not be that strict on the interpretation, especially with an established patient that we are following up on. It would be ideal if one practitioner in each department is licensed in New Mexico and have that practitioner do the telemedicine consults.

Q4: Does this include mid-levels?

- Yes
- Both the Nursing Board and the Medical Board in New Mexico respond promptly to email requests.

*Please contact Joanna Harkey at (806) 743-9921 with additional questions regarding licensing in New Mexico.

Q5: Do new patients need to sign all of those forms and send them back to us?

- NPP: If we get confirmation that they received it, we need to document that.
- Confidential Communication: We need to get them to fill that out.
- Consent to Treat: If we can get that back, that would be great, but we can also document that they have received it, that they understand, and they are consenting to that treatment.

Q6: If one clinic completes the telemedicine consent, is it good for all the other locations?

- There isn't any harm in letting the patient know that this is new to everyone. Even if telemedicine was explained to the patient on the first visit, they may still need a reminder on the second visit. Until we get familiar with the process, I think it might be best to obtain their consent to the telemedicine visit for each encounter.

Q7: Will consent work for both Texan and New Mexican patients?

- Yes, as long as the provider has the license.

Q8: Does the out-of-state contract need to be sent to New Mexico patients?

- Yes. Please add this to the list of forms. This would be an extra layer of protection.

Q9: Are these forms good for a calendar year or a full year between visits?

- It would be a full year between visits.

Q10: Can patients fill out and email them back to us? Or do they have to mail them so we have original signatures?

- They can email them back to you. If the patients don't have an email address or they don't want you to contact them via email, then mail is appropriate.

Q11: What about prepaid envelopes in the mailing?

- If your clinic is mailing those forms to patients, you may want to consider including prepaid return envelopes to make it easier to get them back from the patient. That would be up to the clinic.

Q12: What about electronic signatures?

- Electronic signatures are acceptable.

Q14: Is Doxy.me the same as Doximity?

- No, they are not the same app. They are very similar. Both apps do not require the patient to download anything. You would send a link via text message or email to your patient. They only need to click the link; the videoconference opens up in a browser on their iPad or phone. They do not have to download an application or sign up for anything. However, Doxy.me has a couple of advance features that Doximity may not have.
 - Doxy allows for multiple people to be on the same video conference call (e.g., resident, attending physician, patient).
 - Doxy does allow the patient to sign documents electronically. Doximity does not.
 - Doxy and Doximity patient encounters are both accessible to the patient via a URL link, instead of having to download an app.
 - We are still exploring Doximity. Doximity Video Chat is only in a beta testing mode. They are releasing it to the public; you have to get put on a waiting list, and you have to wait to get approved. Doxy has been doing this for quite some time.

Q15: Can we use Google Duo?

- CMS has allowed us to use various types, but IT Security has asked us to limit the number of platforms we use.

Q16: So, are you saying that we need to wait for a final word from Braden or Compliance before we encourage providers to sign up for Doxy.me?

- Yes. There is a free feature on there. Some providers may want to pursue that. One of their terms of use is that if you have more than one provider signed up for the free version, they could kick you off. They want you to purchase the clinic version. We are looking at that paid version because it provides more protection for us. Also, if individual physicians sign up, they have to sign a BAA on their own, and we want to also protect the providers, so they are not having to do that.