

Compliance Updates Q&A

April 10, 2020

1. Are you familiar with the Doximity dialer app? Is it secure enough to use?
 - For the time being, TTUHSC recommends the use of Zoom for a couple of reasons because the security controls have been verified and in the event of an incident, we can investigate. You can also use TTUHSC Skype. FaceTime should only be used in rare circumstances where you cannot use Zoom or Skype.
2. Because some vendors may not enter through an HSC entrance, how do we ensure that vendors are following the specified requirements for coming to the clinics?
 - It is the departments (front desk staff, nurses, physicians) who must be the gatekeepers for this process. They need to ask if the vendor has registered with Vendormate and checked in using the app – ask to see their digital badge. During this critical time, we want all campuses to be aware that only vendors that provide critical or essential services are allowed on campus. Product demonstrations and sales presentations should not be allowed at this time.
3. Can a TTUHSC physician provide telemedicine services to a New Mexico patient who is in New Mexico?
 - Not unless the TTUHSC physician has a license for New Mexico.
4. Does it make a difference if the out-of-state patient is a new or established TTUHSC patient?
 - No. Physicians must have a license in that state. If patients are in another state at the time the service is being provided via telemedicine, the physician has to have a license for that state, unless that state has officially said they are complying with the CMS waiver.
5. Does it make a difference if the telemedicine services are for follow-up care during the global period after a procedure?
 - No. A physician must have a license in the patient's state in order to provide telemedicine services.
6. Can a TTUHSC physician provide in-person services at a TTUHSC clinic to a patient from a non-participating state?
 - Yes, since the patient is at the TTUHSC facility. These restrictions only apply when telemed services are provided across state lines to an out-of-state patient who is in that other state.
7. What's the penalty if I have done that?
 - The penalty in New Mexico for practicing without a license, including telemedicine, is a 4th degree felony (NM Statute, Section 61-6-20). It would also subject the physician to discipline and possible loss of license in Texas.

8. What does “providing care” mean? Does this include refilling prescriptions that were already established for that patient?
 - Because the phrase “telemedicine” is used, it is not expected that this applies to filling prescriptions. Telemedicine is characterized as a Zoom-type interaction. Telemedicine and telehealth are often used interchangeably, and telehealth for CMS’s purposes does relate that interactive telecommunication.
9. What about phone visits only – the phone codes?
 - Telephone conversations involving the dispensing of medical advice constitute the practice of medicine and would be prohibited by states not participating in the CMS waiver, including New Mexico.
10. Is there an additional cost for professional liability insurance for physicians who are licensed to practice in New Mexico versus those who are just licensed in Texas.
 - Per General Counsel, during COVID, the existing coverage will be sufficient, as long as the treatment is limited to telemedicine.
11. What happens if a patient drives across the state line and then calls in to get care from their doctor?
 - There would be billing issues, as the provider would not have a New Mexico license when treating a New Mexico resident who had not presented to an HSC clinic for in-person services.
12. Is a verbal consent OK for new patients?
 - The Texas Medical Board states that “A patient may give written or oral consent to the physician via telemedicine. This consent must be documented in the patient’s medical record.” See [TMB FAQs regarding Telemedicine](#). In addition, as part of the 1135 waiver, HHS will not conduct audits to ensure that a prior relationship existed for telehealth visits claims submitted during this public health emergency, which means CMS will not enforce an established relationship requirement for Medicare telehealth visits. See [Medicare Telehealth FAQs](#).