

## Reminder: Telemedicine Compliance Requirements Apply To Physicians Skyping into “House Calls”

A January 2, 2011 Yahoo! news article details the expanding trend of physicians practicing medicine via **telemedicine** technology by making “house calls” to patients using Skype and other consumer based video conferencing software products. However, before providers forego the traditional physical examination in lieu of a web based e-exam, providers should check to make sure they are properly structured and have appropriate protocols in place.

Telemedicine is the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using audio, video, or data communications. Telemedicine has the potential to make healthcare more accessible (some may even say too accessible) and streamline healthcare delivery.

As technology and access to the internet continue to manifest themselves in new ways, telemedicine is only expected to become more popular. Gary Capistrant, senior director of public policy at the American Telemedicine Association, states that the number of physicians using webcams in their practice is still not known because there is no reporting requirement to track such data, but the practice is increasing, and will continue to increase as more cell phones adopt video conferencing technology.

While Skype and other telemedicine technologies benefit physicians by allowing them to see patients without a physical encounter, physicians must be careful when implementing such telemedicine technologies because many regulatory pitfalls await the uninitiated provider which could result in significant liability. These pitfalls include issues with licensure, malpractice coverage, standard of care, HIPAA security and privacy.

For example, a judge in San Mateo Superior Court recently sentenced a 72 year old [Colorado physician](#) to nine months in prison for practicing medicine in California without a license after prescribing an antidepressant over the Internet to a California teenager who later committed suicide. The prosecution of this physician for the unlicensed practice of medicine highlights the need for physicians to be aware of certain issues before they begin to practice medicine via telemedicine technology.

Like all new technologies, telemedicine technology provides the opportunity for a provider to expand their practice and increase revenue when implemented properly. Physicians intending to practice medicine via telemedicine technology should contact Nelson Hardiman to discuss regulatory issues, how to select and implement telemedicine technology, and how to maximize the utility of telemedicine technology in practice.

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Unfortunately thanks to a 2010 television advertisement from

[Cisco](#)

, patients now know that it is at least possible for their physician to see them, even on vacation in another continent.