

Telemedicine

Telemedicine is the practice of medicine using electronic communication or other means between a licensee in one location and a patient in another location with or without an intervening health care provider. It may be provided on both an intra-state and inter-state basis.

Technological advances have made it possible to provide medical care to patients who are separated geographically from the practitioner. Telemedicine is a useful tool that can provide important benefits to patients, including increased access to health care and expanded use of specialty expertise.

Licensees practicing via telemedicine will be held to the same standard of care as licensees using traditional in-person medical care. A failure to conform to the appropriate standard of care while practicing telemedicine may subject the licensee to discipline by the board.

To conform to applicable standards of care, telemedicine practitioners should pay particular attention to the following areas:

1. Training of staff. Staff must be trained to be competent in the use of telemedicine equipment and must act only within the scope of their licensed profession.
2. Examinations. The requirement for an appropriate examination is an essential standard of care. The telemedicine examination need not be in-person if the technology utilized, together with the input of any intervening health care provider, is sufficient to provide the same information to the practitioner diagnosing or treating the patient as if the examination had been conducted on an in-person basis.

Online or telephonic questionnaires, without an examination, do not satisfy this requirement and may subject a licensee to discipline by the board.

3. Licensee-Patient relationship. The licensee must verify the identity of the person seeking treatment. Diagnosis and treatment should be established through the use of accepted medical practice, including a patient history, mental status examination, physical examination and appropriate diagnostic and laboratory testing. The telemedicine provider must ensure the availability of follow-up care and maintain a complete medical record that is available to the patient and other treatment providers as required by North Dakota law and good medical practice. The medical record must conform to prevailing medical record standards.
4. Licensure. Any physician or physician assistant providing medical care to a person located within the state of North Dakota must have a current license to practice, whether care is being provided in-person or through telemedicine.
5. Contact with patients before prescribing. With exceptions stated below, a personal examination is required before prescribing medications to a new patient.

Exceptions: Prescribing may be done without a prior personal examination if made as part of an admission order for a newly hospitalized patient; for the patient of another provider for whom the prescriber is taking call; or continuing medication on a short-term basis for a new patient prior to a first appointment.