

# What Psychiatrists Need to Know About...

## Telepsychiatry

In North Carolina, telepsychiatry is defined as “the delivery of acute mental health or substance abuse care, including diagnosis and treatment, by means of two-way real-time interactive audio and video by a consulting provider at a consultant site to an individual patient at a referring site.”<sup>1</sup> A key driver behind the growth of telepsychiatry is the national shortage of psychiatrists, particularly in specialty areas and in rural and underserved geographical areas.

Most states require that the telepsychiatrist be licensed in both the jurisdiction where the patient is located at the time care is provided, and in the telepsychiatrist’s own state (if different from the patient’s location). A physician who practices telemedicine in North Carolina must be licensed in the state. Physicians using telemedicine technology must provide an appropriate examination prior to diagnosing and/or treating the patient; however, the examination does not need to be in-person if the technology is sufficient to provide the same information to the physician as if the examination had been performed face-to-face.<sup>2</sup>

State laws often vary on issues such as prescribing, reporting child endangerment, participation in the civil commitment process, supervision/collaboration with other providers, etc.<sup>3</sup> As such, it is important to be aware of the state variations if you intend to engage in telepsychiatry both inside and outside of

North Carolina. Additionally, psychiatrists who provide care or prescribe through online services are also considered practicing medicine and must also be appropriately licensed in all jurisdictions where patients receive care.<sup>4</sup> The North Carolina Medical Board indicates that it would be inappropriate and unprofessional to prescribe medications to individuals the physician has never met based solely on answers to a set of questions, as is common in internet or toll-free prescribing.<sup>5</sup>

### Risk Management Considerations

When contemplating practicing telepsychiatry, psychiatrists should be aware of their potential liability and risk management exposures. Some of these risk management considerations include:<sup>6</sup>

- Understand when a psychiatrist-patient relationship is established
- Ensure compliance with state licensure requirements
- Understand applicable state laws regarding supervision of other healthcare providers
- Protect the confidentiality of patient information/data
- Adhere to established standards of care when evaluating and treating the patient
- Regulations concerning prescribing and dispensing of certain medications
- Use HIPAA compliant technology. Please note that Skype is not considered to be HIPAA compliant.
- Psychiatrists should provide a formal, written emergency plan to the patient for their use should they need emergency assistance.
- Informed consent for the use of telepsychiatry should be obtained prior to the initiating the first session.
- The patient record created during the telepsychiatry treatment must adhere to all state/federal laws governing medical records and should be maintained in a similar manner to conventional psychiatric encounters. Additional documentation of a telepsychiatry session should include:
  - Location of psychiatrist and patient
  - Type of equipment used, including any malfunctions that may have occurred
  - Who was present during the session, and their role
  - An entry indicating that the service was provided via telepsychiatry and the time the service was started and the time it ended.
- Written policies and procedures should be maintained to the same standards as required in face-face office encounters.
- Office staff should be trained in the use of the telepsychiatry equipment and be competent in its use.
- If using a mobile device, note that you may not be reimbursed

for the session if using applications that are not considered to be HIPAA compliant such as Face Time, Skype or other similar applications.

- Establish with malpractice carrier whether coverage extends to providing telepsychiatry services.

## Conclusion

Telepsychiatry is changing the manner in which psychiatry is practiced. North Carolina has a number of resources if considering practicing telepsychiatry including the State of North Carolina's Guidelines for the Use of Telepsychiatry.<sup>7</sup> Since laws vary from state to state, it is important that you are familiar with your jurisdiction's laws as well as the principles of medical ethics. Finally, should you have questions, consider consulting an attorney or your risk management professional.

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1. North Carolina General Statutes, Article 143B-139.4B. Available: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_143B/GS\\_143B-139.4B.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143B/GS_143B-139.4B.html) (last accessed 11/07/14).
2. North Carolina Medical Board Position Statement – Telemedicine. Available: [http://www.ncmedboard.org/position\\_statements/detail/telemedicine](http://www.ncmedboard.org/position_statements/detail/telemedicine) (last accessed 11/10/14).
3. AACAP, "Practice Parameter for Telepsychiatry With Children and Adolescents," J. Am. Acad. Child Adolesc. Psychiatry, 47:12, Dec. 2008.
4. Federation of State Medical Boards, "Report of the State Medical Boards' Appropriate Regulation of Telemedicine (SMART) Workgroup," (2014).
5. North Carolina Medical Board Position Statement – Contact with patients before prescribing. Available: [http://www.ncmedboard.org/position\\_statements/detail/contact\\_with\\_patients\\_before\\_prescribing](http://www.ncmedboard.org/position_statements/detail/contact_with_patients_before_prescribing) (last accessed 11/10/14).
6. Report of the State Medical Boards.
7. State of North Carolina, Department of Health and Human Services. Guidelines for the Use of Telepsychiatry. Available: [http://www.ncdhs.gov/mhddsas/providers/telepsychiatry/NCDMHDDSAS%20Guidelines%20for%20telepsych%202010\\_05\\_06.pdf](http://www.ncdhs.gov/mhddsas/providers/telepsychiatry/NCDMHDDSAS%20Guidelines%20for%20telepsych%202010_05_06.pdf) (last accessed 11/12/14).

## PSYCHIATRIC MEDICINE – FACULTY POSITIONS (Position Numbers 966055 and 000672)

The Department of Psychiatric Medicine at the Brody School of Medicine at East Carolina University is accepting applications for two Adult Psychiatrists to serve as a full-time Assistant or Associate Professor. These positions offer an excellent blend of clinical care, teaching, and scholarly activities in a growing, multidisciplinary, and collegial Department. The successful candidates will provide direct clinical care in both community-based and academic settings; Assist in the teaching and clinical supervision of medical students, residents, and other health professional trainees; Collaborate with other faculty members in conducting clinical research, with the opportunity to initiate projects; and function as University faculty members, performing such duties as appropriate to academic rank and position. The clinical responsibilities may be in inpatient and/or outpatient settings, including services via telepsychiatry.

East Carolina University is the 3rd largest public university in North Carolina, with approximately 27,400 students and over 5,000 faculty and staff. ECU combines the rich tradition of college life with the energy and innovation of a doctoral research university. This combination allows students and faculty to enjoy the benefits and resources of a large research university in an atmosphere more typical of a smaller college. The University is located approximately 85 miles east of Raleigh, the capital city of North Carolina, and approximately 87 miles west of the Atlantic Ocean. The teaching hospital affiliated with ECU Brody School of Medicine is Vidant Medical Center (formerly Pitt County Memorial Hospital), a 900+ bed tertiary care academic medical center serving Eastern and coastal North Carolina. The hospital provides acute, intermediate, rehabilitation, and outpatient health services to more than 1.4 million people in 29 counties. The hospital also has a 52 bed psychiatric service that houses acute beds, combine MI-ID beds, and combined Med-Psych beds.

Fixed Term or Tenure Track positions available at the title/rank of Assistant Professor or Associate Professor. Salary and academic rank/title (tenure track or fixed term) commensurate with experience and academic background. Qualifications: Requirements include MD or equivalent degree from an appropriately accredited institution, completion of accredited psychiatric residency training program, and board certification or eligibility for board certification.

East Carolina University requires applicants to submit a candidate profile online in order to be considered for this position. In addition to submitting a candidate profile online, please submit online the required applicants documents; Curriculum Vitae, Letter of Interest, List of Three References (noting contact information). Equal Opportunity/Affirmative Action Employer.

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