

Setting the Record Straight Webinar Series

Serving Vulnerable Populations During the COVID-19 Pandemic

Wednesday, March 25, 2020

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**NATIONAL
NURSE-LED CARE
CONSORTIUM**

a PHMC affiliate

National Nurse-Led Care Consortium

The **National Nurse-Led Care Consortium (NNCC)** is a nonprofit member-supported organization working to strengthen community health through quality, compassionate, and collaborative nurse-led care.

NNCC provides expertise to support comprehensive, community-based primary care.

- Direct, nurse-led healthcare services
- Policy research and advocacy
- Training and technical assistance support



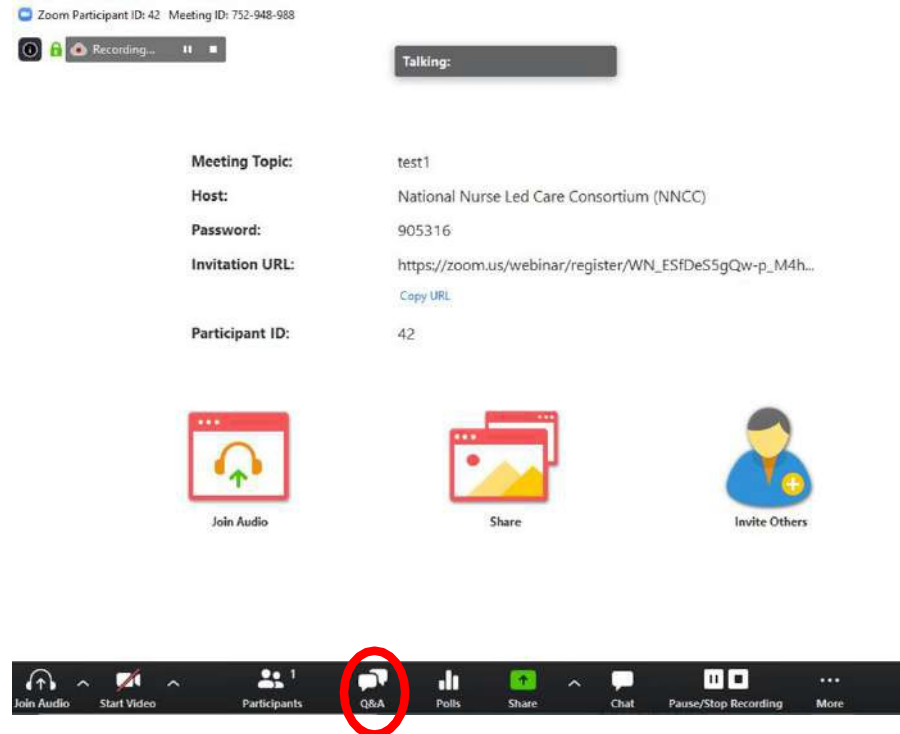
Housekeeping Items

Question & Answer

- Click Q&A and type your questions into the open field.
- The Moderator will either send a typed response or answer your questions live at the end of the presentation.

Continuing Education Credits

- Please take the SurveyMonkey evaluation at the end of this webinar to receive CME/CNE
- You must complete survey to receive credit.
- Certificate will arrive within 1 week of completing the survey.



COVID-19: Vulnerable and Underserved Participants

People at Higher Risk and Special Populations

High Risk Groups

Older people and people of all ages with severe underlying health conditions — like heart disease, lung disease and diabetes, for example — seem to be at higher risk of developing serious COVID-19 illness.



People at Higher Risk for
Serious Illness from COVID-19

Special Populations

CDC has information for other special population, who at this time are not considered high risk of developing serious COVID-19 illness, but are at increased risk of severe illness from other infectious diseases. These include pregnant women and children.



Pregnant Women and Children



Homeless Shelter Population



COVID-19: Vulnerable and Underserved Participants

Are You at Higher Risk for Severe Illness?

Groups at higher risk

Older adults and people of any age who have serious underlying medical conditions may be at higher risk for more serious complications from COVID-19.

People who are at higher risk for severe illness



Older Adults



Steps to Prevent Getting Sick



People with HIV



Pregnant Women



People with Asthma



Speakers



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Emergency Prep Webinar

Tools that have worked

Enrique Enguidanos, MD, FACEP, MBA

Emergency Physician –Seattle, Washington

CEO/Founder – Community Based Coordination Solutions

Wednesday, March 25th 2020

Goals during pandemic

- “Flatten the curve”
 - No intervention, infection rate doubles weekly
 - Target: “flatten” to a doubling over 8 weeks
- 4 strategic components
 - Containment
 - Identify illness early
 - Minimize additional exposures
 - Control anxiety

High Risk Populations

- Elderly
- Co-morbid diseases
- Low socio-economic status
- Front-line workers

Successful Practices – 4 areas of focus

- Community Resource Engagement
- Housing
- Phones
- PPE

Community Resource Engagement

- Hospitals
 - Emergency Departments
- Primary Care Providers
 - FQHC's/Specialists
- Law Enforcement
- EMS
- Existing Caretakers
- Federal/State Agencies
 - Public Health Depts
- Jails
- Chemical Dependency
- Behavioral Health Centers
- Therapeutic Courts
- Housing Authorities
- Protective Services
- Employment Services
- Shelters

Housing Options

- Existing Buildings
 - Reverse Isolation
- Field Tents
 - 3 levels
 - Identified patients
 - Symptomatic; not yet diagnosed
 - Exposed; not yet symptomatic
- Coordination
 - Shelters/Hospitals/Public Health
Toileting/Cleaning/Flow/Monitoring

Phones

- Get phones to patients
- Increase interactions
 - Daily check ins
 - Providers available at target hours
 - Message anxiety
- Facetime/Skype
 - Send pictures (cellulitis/abscess)
 - Listen
 - Billing

Personal Protective Equipment (PPE)

- Wear during testing
- Re-use of PPE
 - CDC Guidelines for Extended Use and Limited Reuse of PPE
- Alternate devices
 - CDC Strategies for optimizing PPE

Additional Thoughts

- Staff re-assignments
- Sanitation
- Mental health tips
- MAT
- Pharmaceutical shortages

Furloughed and non-essential staff

- Easily re-assigned duties
 - Phone calls
 - Packaging homeless kits
 - Soaps/Hand Sanitizers/Wipes/Gloves/Ensure/TP
- Collaborating with local organizations
 - Community Service Stations
 - Meal delivery
 - Access to meals currently limited
 - Street Medicine
 - Transportation

Sanitation

- Establish these homeless resources early:
 - Public hand sanitation stations
 - Public outhouses
 - Public showers
- Education for shelter staff
 - Correct sanitation practices
 - Coordinate with Public Health/Hospital ID

Mental Health Tips

- 25% increase in psychotic breaks
- Mitigate anxiety
 - Emphasize the good work being done
 - Involve Pastoral Care and BH staff early
 - Create standard messaging around facts
 - Remind patients: services will be slower
 - Patience
- Coordinate “shelter talks”

MAT

- Consider increasing Rx intervals
 - Doubling intervals
 - Comes with some risk
- Consider Sublocade
 - Injectable buprenorphine XR
- Establish Mobile Treatment Vans
- Maintain strong Narcan efforts
- Consider Telemedicine

Pharmaceuticals

- Albuterol in short supply
 - Used by homeless frequently
 - Consider Levoalbuterol
- Anticipate other pharmaceuticals shortages
 - Buprenorphine
 - Narcan
 - Antibiotics

COVID-19 Vulnerable and Underserved Participants



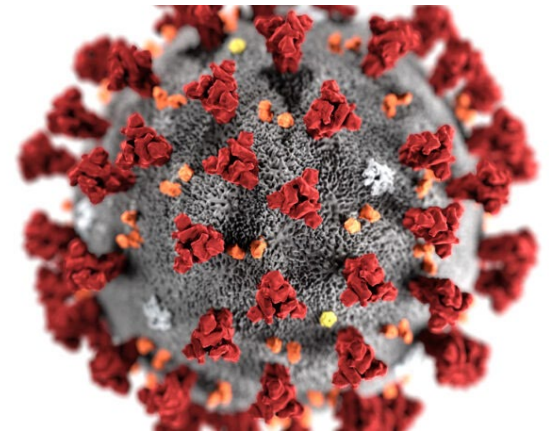
Using Telehealth to Care for Patients During the COVID-19 Pandemic



Telemedicine and virtual care have quickly become important tools in caring for your patients while keeping yourself and your staff safe as the COVID-19 pandemic quickly evolves. Here is what you need to know when providing telehealth services.



RISK MANAGEMENT CONSIDERATIONS FOR TELEHEALTH IN RESPONDING to COVID-19



DISCLAIMER

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PRESENTER: MOLLY S. EVANS



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- Partner at Feldesman Tucker Leifer Fidell LLP.
- Practices in areas of nonprofit law, corporate and business law, and health care law.
- Focus on assisting non-profits with regulatory, transactional, and corporate compliance matters including employment law.
- Ms. Evans was formerly in-house counsel at a large, multi-site non-profit in Washington, D.C. where she was responsible for identifying and managing legal risk issues.

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- Partner and Compliance Counsel at Feldesman Tucker Leifer Fidell LLP, specializing in, among other things, assisting health centers with the implementation of effective Compliance Programs.
- Manages the array of compliance resources offered through learning.ftlf.com.
- Well-versed in the compliance issues facing health centers because of her experience as Chief Compliance Officer and Manager of Government Grants for Boston Health Care for the Homeless Program, one of the largest health center programs in the country.

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

- **Licensure/Scope of Practice Considerations**
- **Patient Informed Consent**
- **Professional Liability Considerations**
- **Privacy and Security Considerations**
- Fraud and Abuse Considerations
- Medicare and Medicaid Billing Considerations

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Licensure/Scope of Practice Considerations

- Requirement for Telehealth License?
- Who Is a Qualified Provider?
- Location of Patient vs. Location of Provider

<https://info.americantelemed.org/covid-19-news-resources>

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Licensure/Scope of Practice Considerations

“Waiving State Licensing Restrictions for Telehealth Helps Combat COVID-19” - ATA

- Provide more flexibility on:
 - Advanced practice provider supervision
 - The type of telehealth modalities and technologies providers can use
 - Specific technologies to establish a patient provider relationship for diagnosis and treatment recommendations, so long as the standard of care is met

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Licensure/Scope of Practice Considerations ***“Waiving State Licensing Restrictions for Telehealth Helps Combat COVID-19” - ATA***

- Waive licensure regulations for qualified out-of-state clinicians in good standing
- Waive licensure requirements for clinicians to obtain special approval during the emergency

<https://info.americantelemed.org/covid-19-news-resources>

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Patient Informed Consent

Informed Consent Requirement

- Statute or Regulation
- Professional Regulation
- Health and Safety
- Medicaid Requirements
- By Provider/Specialty Type

[Center for Connected Health Policy](#)

<https://www.cchpca.org>

<https://www.telehealthresourcecenter.org/>

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Patient Informed Consent

- Content of Informed Consent
 - Specificity and Frequency
 - Telehealth vs. In-Person Visit
 - Prescribing Policies
 - Privacy and Security Considerations

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Professional Liability Considerations

- Evaluation of Professional Liability Insurance Policy (and/or FTCA Requirements/Gap Policy)
 - Telehealth vs. Face to Face
 - State Licensure
 - Employees vs. Contractors vs. Volunteers

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Professional Liability Considerations

- Purposes of telehealth visits (e.g., acuity level)
- Informed consent
- Training for providers
- Documentation in medical record

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

- Evaluating technology and equipment options
- Including telehealth in the covered entity's security risk analysis
- Ensuring execution of business associate agreements
- Developing policies and procedures
- Training of staff members
- Notifying patients

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

On March 17th, OCR announced that it **will not impose penalties** against covered health care providers for the lack of a business associate agreement with any **non-public facing remote communication product** or any other non-compliance with the HIPAA Rules that relates to the **good faith** provision of **telehealth services during the COVID-19 nationwide public health emergency**.

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

Non-public facing remote communication products:

- As a default, allow only the intended parties to participate in the communication
- Employ end-to-end encryption
- Support individual user accounts, logins and passcodes
- Allow some degree of control over video or audio capabilities

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

Non-public facing remote communication platforms that **may be used** include:

- Apple FaceTime
- Facebook Messenger video chat
- Google Hangouts video
- Whatsapp video chat
- Skype

And texting applications such as:

- Signal
- Jabber
- Facebook Messenger
- Google Hangouts
- Whatsapp
- iMessage

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

Public facing video communication products are designed to be open to the public or allow wide or indiscriminate access to the communication.

Public facing products that **should not be used** to provide telehealth services include:

- Facebook Live
- Twitch
- TikTok
- Other similar public facing remote communication products (chat rooms like Slack)

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

Applies to telehealth provided for **any reason**, including:

- Diagnosis and treatment of health conditions related to COVID-19
- Sprained ankle
- Dental consultation
- Psychological evaluation
- Review of physical therapy practices
- Adjustment of prescriptions
- Mental health counseling

* Does not apply to records protected by 42 CFR Part 2.

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

OCR encourages covered entities to:

- Notify patients of the potential privacy risks associated with use of third-party applications
- Enable all available encryption and privacy modes when using such applications
- Use a private location to provide telehealth; encourage patients to use a private location to receive telehealth services

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

Once OCR re-starts enforcement related to telehealth, consider whether your covered entity will:

1. Continue to use telehealth by executing business associate agreements with individual platforms and applications
2. Consolidate telehealth offerings with one vendor, platform or application
3. Limit use of telehealth to certain services
4. Discontinue telehealth

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Privacy and Security Considerations

Resources:

- Notification of Enforcement Discretion for Telehealth Remote Communications During the COVID-19 Nationwide Public Health Emergency: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>
- FAQs on Telehealth and HIPAA during the COVID-19 nationwide public health emergency: <https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf>
- Sign Up for the OCR Privacy and Security Listserv: <https://www.hhs.gov/hipaa/for-professionals/list-serve/index.html>
- COVID-19 Public Health Emergency Response and 42 CFR Part 2 Guidance: <https://www.samhsa.gov/sites/default/files/covid-19-42-cfr-part-2-guidance-03192020.pdf>

RISK MANAGEMENT FOR TELEHEALTH DURING COVID-19

Other FTLF Webinars

- FTCA Coverage & COVID-19
 - Presenters: Marty J. Bree, Molly S. Evans, Matthew S. Freedus
 - <https://learning.ftlf.com/ftca-program/content/recorded-webinar-ftca-coverage-covid-19>
- Coronavirus Appropriations Act of 2020
 - Presenters: Susannah Vance Gopalan and Carrie Bill Riley
 - <https://learning.ftlf.com/regulatory-payment-issues/content/recorded-webinar-coronavirus-appropriations-act-2020>
- Patient Confidentiality & COVID-19 – March 27th @ 3:00 pm
 - Presenters: Molly S. Evans and Dianne K. Pledgie
 - <https://learning.ftlf.com/community-health-centers/content/patient-confidentiality-covid-19>

QUESTIONS?



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Questions?

Please type your questions into the Q&A pod.



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Setting the Record Straight Webinar Series

Part 3: Joint Commission and Other Standards

Wednesday, April 29, 2020 at 2:00 pm ET

Register on [*NurseLedCare.org*](https://NurseLedCare.org)



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