**Bi-State Primary Care Association**

**Vermont Association of Hospitals and Health Systems**

**Vermont Medical Society**

**SAMPLE TELEMEDICINE INFORMED CONSENT**

**Note to health care clinicians and practices:** This sample has been drafted to meet Vermont state law and regulatory requirements for telemedicine consent. It is intended to provide a format that both explains telemedicine to patients new to this system and meets requirements for informed consent; it is based on the Agency for Healthcare Research and Quality template. While consent is not required for audio-visual telemedicine services by Vermont law until 60 days after the ending of the COVID-19 Public Health Emergency, if not practicable, it is best practice to start incorporating this into your workflow. **In addition, new Vermont law passed in March 2021 requires informed consent for audio-only telephone services, effective immediately.**

* For services delivered by audio-only telephone on an ongoing basis (such as a series of visits for a related reason), the health care provider is required to obtain consent only at the first episode of care.
* Patient consent must be obtained before performing billable services, this can be prior to the visit or at the start of the visit.
* You must document consent or include in the medical record that you obtained consent.
* You must document the reason or reasons that you determined that it was clinically appropriate to deliver health care services to the patient by audio-only telephone.
* You can use the same form for all telemedicine modalities as long as it complies with all State requirements.

Also, Medicare currently requires the patient to consent to receive certain services remotely (virtual check-ins and e-visits) at least once annually. Make sure to adapt this sample to accurately describe your practices.

For more information, see:

* Vermont State Law on telehealth informed consent, 18 VSA § 9361(c)(1): <https://legislature.vermont.gov/statutes/section/18/219/09361>
* Vermont State Law on informed consent for audio-only telephone services, S.117 (Section 5) of 2021: <https://legislature.vermont.gov/Documents/2022/Docs/BILLS/S-0117/S-0117%20As%20Passed%20by%20the%20Senate%20Unofficial.pdf> (Note: this links to the version of the bill that passed the Senate; it is identical to the final version of the bill except Section 11 has been removed)
* Vermont Medicaid Rule for telehealth and consent: <https://humanservices.vermont.gov/sites/ahsnew/files/documents/MedicaidPolicy/3.101-telehealth-rule-adopted-rule.pdf>

Medicare: <https://www.cchpca.org/telehealth-policy/telehealth-and-medicare>

**This sample is designed to meet regulatory requirements as of March 2021 – consent requirements are subject to change at any time and are likely to change at the end of the COVID-19 Public Health Emergency. Please check if your practice needs to update your consent form and process at that time**.

**Disclaimer:** This is a sample form being provided for informational and educational purposes. It is not to be used as legal advice. If you have more detailed questions about implementing a consent process, consult with your practice’s or health facility’s attorney.

For more information contact Helen Labun, Bi-State Primary Care Association, [hlabun@bistatepca.org](mailto:hlabun@bistatepca.org)

**If audio-only telephone visit, patient is receiving audio-only care due to:**

Broadband Access / Reliability Concerns

Technical Barrier Other than Broadband

Patient Comfort or Preference

Clinical Indication

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Permission for Telemedicine Visits**

**What is telemedicine?**

* Telemedicine is a way to meet with your healthcare providers without going into their office.
* You can talk to your provider from your home or any other place you want.

**How do I use telemedicine?**

* You talk to your provider by phone, computer, or tablet.
* For some visits, you can use video so you and your provider can see each other.

**Who will my visit be with?**

* **[Practice identify name and credentials of provider(s) giving the telemedicine visit]**

**How does telemedicine help me?**

* **You don’t have to leave your house to see** your provider. It may save you travel time and cost.
* You won’t risk getting sick from other people. This will protect you from Covid-19 and other illnesses.
* Types of visits this office may do with telemedicine include: [give examples of services your practice provides over telemedicine]

**Can telemedicine be bad for me?**

* You and your provider won’t be in the same room, so it will feel different than an office visit.
* Your provider may not be able to examine you in the same way as at an office visit and cannot touch your body. Some forms of telemedicine have been used and studied for decades, some are much more recent. If you have concerns about your provider not interacting physically, you can request an office visit instead.
* After the telemedicine visit, your provider may decide you still need a follow-up visit. We use telemedicine when we think it will work for your condition, but we cannot guarantee that we can address all of your needs in this way.
* Technical problems may interrupt or stop a video visit before you are done. A provider may finish the appointment using the phone or, if video is still needed, reschedule.

**Will my telemedicine visit be private?**

* We will not record sounds or video from your visits with your provider.
* If people are near you, they may hear something you did not want them to know. You should be in a private place, so other people cannot hear you and so you and your provider can hear each other.
* Your provider will tell you if someone else from their office can hear or see you. [Make sure to disclose to the patient if anyone else is in the room with you when you are delivering services].
* We use tools that are made to protect your privacy and meet federal law for keeping your information safe.
* If you use the Internet for telemedicine, use a connection that is private and secure.

**What if I want an office visit, not a telemedicine visit?**

* If it is ok for your health condition, you can choose whether you want a visit in our office, a visit using a computer / tablet, or talking on the phone.
* You can tell our office if you want an appointment in the office not a telemedicine visit.
* For now, because of COVID-19, our office may suggest telemedicine for some visits. You may also have to wait longer for an appointment in the office. [Adapt to your office practice/add more detail here if there are some visits that can only be over telemedicine, if it is always patient choice, etc; note that care must be timely and comply with contractual requirements and a practice cannot not delay care unnecessarily because a patient opts for in-person care]

**What if I try telemedicine and don’t like it?**

* You can stop using telemedicine any time, even during a telemedicine visit. You may still have to pay for the visit.
* You can still get an office visit if you no longer want a telemedicine visit. Your appointments may not be at exactly the same time as your originally scheduled telemedicine visits but we will reschedule as soon as possible.
* If you decide you do not want to use telemedicine:
  + Tell your provider during the telemedicine visit
  + call XXX-XXX-XXXX and say you want to stop, **OR**
  + sign into your patient portal and [add instructions here.]
  + It will be as if you never agreed to this form.

**How much does a telemedicine visit cost?**

* What you pay depends on your insurance and the types of services being provided.
* [We will/will not be billing your insurance for the service provided today – office must inform patient if the service is being billed]
* A telemedicine visit will not cost any more than an office visit, but it may cost the same.
* If your provider decides you also need an office visit, you may have to pay for both visits.
* Some insurance companies may not pay for all telemedicine visits, like those over the phone.
* An audio-only telemedicine visit is a particular type of telephone call – if you have any confusion about what type of phone calls are billed as an office visit, please talk to our practice for clarification.

**Do I have to agree to this document?**

No. Only agree to this document if you want to use telemedicine. You are never obligated to use telemedicine. We offer this option as a service to our patients and it is entirely up to you if you want to use it.

**What does it mean if I agree to this document?**

If you agree to this document, you are saying that:

* We talked about the information in this document.
* We answered your questions.
* You want a telemedicine visit.

We may ask you to sign a paper copy of this document or we may talk about this with you before or during your first telemedicine visit and ask if you agree. Please tell our office if you would like a copy of this form. [Adapt to when/how your office obtains consent]

Your name (please print) Date

Your signature Date