

Virtual Care Update:

Virtual Care Out-of-State Practice

Action Required: Providers, clinic leaders, schedulers

At the start of the COVID-19 outbreak, many states temporarily relaxed their requirements regarding physician licensure to allow physicians who are not licensed in that state to provide care to patients located there. States have taken widely varying approaches to this arrangement and continue to change their standards as the pandemic unfolds. In light of the challenges of tracking and complying with these evolving state-by-state standards, and with recognition that a majority of UNC Health out-of-state virtual visits occur in only a limited number of additional states, the Ambulatory Governance Committee (with input from Legal and Compliance departments) has developed the following policy on providing virtual visits to patients located outside of North Carolina at the time of the visit.

- **All clinics** – if you choose to participate in seeing established patients out-of-state virtually, please note a process for maintaining participating providers will need to be developed. Details outlining recommended process, scripting, and responsibilities are provided in this document below.
- **Direct scheduling clinics only** - Please note in order to manage this process, there will be a hard stop added on **6/24** to patient direct scheduling so that should patients select they will be out-of-state at the time of visit, they will not be able to schedule and be directed to calling their clinic.

CLINIC MANAGERS

Responsibility: Clinics wishing to provide permitted out-of-state virtual care will need to establish appropriate scheduling protocols to insure compliance with this policy.

- We recommend that you solicit providers, educate providers on the process, and allow them to make the decision to opt-in to the process.
- Place participating providers on a list that is accessible to your schedulers.
- **Review the guidance in [this chart](#) as the expiration dates approach and check with your providers that they are in compliance and maintain the list accordingly.**
- The provider's responsibility is listed below in the provider section.

FOR SCHEDULERS

Location: guidance available on VCC intranet under billing compliance subpage

Responsibility: Schedulers are required to:

- Check their department's list of providers and approved states to verify that services can be performed where the patient is located.
- NOT schedule a visit if the patient is located in a state outside of the ones listed as approved for that provider.
- Contact clinic leadership if you have questions.

"I would be happy to assist you in scheduling a virtual visit for you with Dr. _____. Before we continue, will you be located in North Carolina at the time of your visit?"

- **Yes in NC** – proceed with the scheduling (for both new and established patients)
- **No, outside of NC** –
 - **If established patient^[1]**, -*"Thank you. Let me check to make sure your physician is able to provide virtual care to you while you're located out-of-state."*
 - Check your department's list of providers and which state they are able to provide care in.

^[1] Established patient means that the patient has an existing relationship with the virtual provider (or their practice) within the past 3 years.

- If they are able to provide care in that state, proceed with scheduling
- If they are NOT able to provide care in that state inform the patient *“I’m very sorry, but your physician cannot provide care to you while you’re located in _____. Would you like me to schedule an appointment for you when you’ll be in North Carolina?”*
- If **not established patient** – *“I’m sorry, but we are unable to schedule a virtual visit for a new patient located outside of North Carolina. Can we schedule an appointment for you when you are back in NC?”*

FOR PROVIDERS

Location: intranet billing compliance page, internal communications (italicized portion)

UNC Health physicians may only provide out-of-state virtual care services (video, phone, e-Visits):

1. To established patients^[1]
2. To patients located in one of the states listed in [the chart](#) available on the VCC intranet page.
3. Only so long as the physician is complying with the requirements of that state’s medical board

This policy applies regardless of whether the physician is billing for the virtual visit. Failing to comply with this policy could result in disciplinary action against the physician by medical boards and loss of malpractice insurance coverage.

The chart is being developed and maintained to ensure accurate information is available regarding the most recent state requirements. This information is subject to change frequently so clinics must have a process in place to check this information regularly should they choose to see patients located outside of North Carolina. See above for recommended process.

Provider Responsibility:

- It is the physician’s responsibility to review and meet the individual state requirements before completing the visits.
- It is the physician’s responsibility to communicate to clinic leadership whether they will accept the aforementioned responsibility and whether they choose to participate in providing virtual care outside of NC.

Additional Notes:

- Advanced Practice Providers are not permitted to perform virtual visits for patients outside of North Carolina. If an established patient of an APP needs a virtual visit while outside of North Carolina, the APP should discuss with their supervising physician whether the physician meets the state’s requirements and could perform the visit instead.
- Documentation of a patient’s location at the time of the scheduled video visit will automatically occur with the Epic@UNC embedded Video solution when the patient enters through MyUNCChart portal.
- Documentation of a patient’s location at the time of all other methods for scheduled video visits, phone visits, MyUNCChart and eVisits must be entered by the physician in the medical record.