



## **Permanent Telehealth Standard**

The NBCA Board of Directors voted to adopt a revised, permanent Standard that would provide permission for NBCA registrants to practice via telehealth for existing and new patients effective 29 April 2020. The permission may be terminated, shortened, or extended at the discretion of the NBCA Board of Directors.

The NBCA may remove the right to practice via telehealth to any registrants who are in violation of the rules listed below, or existing applicable legislation and regulations. Termination of the right to practice via telehealth would result in immediate cessation of consultations, follow-ups and related billing for telehealth services. Failure to conform to the directives may result in a complaint for professional misconduct.

**NBCA registrants that will be practicing via telehealth must inform the NBCA office before initiating services.**

Registrant eligibility:

- Be registered as a member in good standing with the New Brunswick Chiropractors Association.
- Maintain Professional Liability Protection (PLP) with the Canadian Chiropractic Protective Association (CCPA). For those who are covered by another provider, it is the responsibility of the registrant to provide proof to the NBCA that liability coverage extends to telehealth consultations prior to initiating services.
- Consultations provided through telehealth must respect all provincial and federal legislations, and all NBCA Standards of Practice and guidelines.
- Telehealth services can only be provided by the registrant, and cannot be delegated to anyone else including clinic staff or another chiropractor.
- The registrant must ensure that telehealth consultations are provided on a secure and encrypted platform only.
- Telehealth encompasses any form of remote consultation regardless of the terminology used by the registrant.

**Chiropractors are required to use professional judgement to determine whether telehealth consultation(s) are appropriate for the patient based on their unique needs and preferences.**

Patient eligibility:

- Telehealth consultation can only be conducted with one patient at a time. Group consultations or classes are not permitted.
- A new patient care relationship may be established with a chiropractor when professional judgement supports the following criteria:
  - That the care delivered via telehealth will be fundamentally like care delivered face-to-face.
  - That telehealth consultation will be an appropriate method to deliver service to the patient.
  - The requirement for a direct physical examination is not necessary to provide a complete diagnosis, working diagnosis or differential diagnosis and treatment plan. However, a physical examination should be conducted as soon as reasonably possible.

- Patient factors including physical, sensory, communication, or cognitive deficits will not impact the ability to conduct telehealth consultation.
- A current therapeutic relationship is deemed established when the chiropractor has completed all of the following:
  - An in-person examination that was conducted and documented within the last twelve months with the primary treating chiropractor.
  - A treatment plan has been developed within the last twelve months following the most recent assessment.
  - The patient must have signed an informed consent to chiropractic treatment in the twelve months. The form must have been signed prior to initiating any telehealth consultation.
- Telehealth services that can be provided during the consultation include:
  - The chiropractor may consult with the patient, obtain a history or update, and observe the condition described by the patient. This must occur via video only, and may be supplemented with email or by telephone.
  - The chiropractor may make physical observations and conduct examinations that can reasonably occur via telehealth. This must occur via video only.
  - The chiropractor may distribute and receive outcome measures from the patient. This may occur via email or video.
  - The chiropractor may make a diagnosis or working diagnosis for new patient consultations. This must occur via video and be followed up with an email.
  - The chiropractor must deliver a treatment plan based on the history, examination and diagnosis, for new patient consults. This must occur via video and followed up with an email.
  - The chiropractor must discuss the proposed treatment and alternative options, allow the patient to ask questions, inform the patient of risks, sign an informed consent to treatment and document that conversation. A record of the patient's verbal consultation which leads to a change in diagnosis, treatment plan and prescription of treatment via telehealth must also be documented. This must occur via video with a follow up email to the patient.
  - Monitoring, observing and prescribing therapeutic exercises. Steps should be taken to assess risks and mitigate those which can include injuries or environmental hazards. This must be done by video.
  - Providing lifestyle counselling and recommendations related to the scope of chiropractors in NB. This must be done by video or telephone.
  - Providing education and self-management strategies related to neuromusculoskeletal-related pain and dysfunction. This must be done by video.
  - Referral to another healthcare provider, additional testing or imaging based on the telehealth consultation. This must be followed-up with clinical note to the appropriate provider.
- The chiropractor can conduct a triage telehealth consult or phone call with patients that will lead to a professional decision, as follows:
  - The patient is a candidate for emergent chiropractic care, which will require an in-person history and examination that results in a diagnosis and treatment plan for their complaint.

- The patient is a candidate for emergent care that is best served with a referral to a provider other than a chiropractor for their complaint.

## **Informed Consent for Telehealth Consultations**

Informed consent must be documented and filed prior to initiating telehealth consultations. The patient must be informed about available treatment options. In addition, patients must be informed of the related risks and benefits of the intervention(s) provided via telehealth consultation. Informed consent should be documented in the patient file. Additional information, as part of the informed consent process, should include:

- Inform the patient of all limitations of conducting telehealth consultations rather than in-person visits.
- Inform patients of the inherent risks of telehealth consultations which includes risks to the privacy of patient information and potential risk of injury and environmental hazards.
- How privacy of videotaping, recording, and storage of information and data from the telehealth consultation will be ensured.
- That the consultations are conducted on a secure, encrypted telehealth technology.

The chiropractor should develop adequate policies and procedures including:

- Verify the identity of the primary chiropractor to the patient
- Verify the patient's identity
- Document the verification policy and processes
- How the informed consent process will be fulfilled

## **Privacy**

Chiropractors must comply with all provincial and federal legislation, and regulatory requirements as they would during in-person visits. No leniency should be granted for services provided by telehealth consultations. The standard of care remains the same.

The chiropractor is required to:

- Comply with all privacy and security requirements prior, during and after the telehealth consultations. Compliance is expected when booking appointments, and any relevant follow-up communications.
- Document privacy and security measures used to protect the patient's privacy and health information.
- Employ authentication and encryption technologies, as well as secure transmission systems and storage mechanisms.
- Develop policies and practices to ensure that patient records cannot be accessed by unauthorized users, tampered with or destroyed, and are protected at both the originating and remote sites.
- Secure all physical devices used in telehealth when storing patient information related to telehealth services.
- Maintain awareness of current and emerging risks to patient privacy inherent to telehealth practice and employ technical, administrative, and physical controls to address these risks.

## **Documentation**

Services delivered by telehealth are subject to the same Standards of Practice and guidelines as in-person visits. However, additional measures including additional documentation and recordkeeping are required or are required to ensure compliance.

The chiropractor is required to:

- Retain accountability for evaluating any information gathered from a third-party source. The chiropractor must determine its reliability and accuracy and the ability to incorporate the information into the assessment or treatment.
- Maintains written records summarizing all interventions consistent with the Standards of Practice and guidelines.
- Record the financial record as a telehealth consultation.
- Retain any video or audio recordings generated as part of telehealth consultations as part of the patient record.

## **Fees and Billings**

Chiropractors are required to provide a fee schedule and invoices/receipts that are transparent and accurate. When delivering services using telehealth, the chiropractor must:

- Inform the patient of the fee prior to the consultation.
- Disclose the limited scope of the services rendered via telehealth to the patient.
- Provide receipts that clearly reflect the services rendered via telehealth.
- May submit telehealth consults for third-party payors for reimbursement only if the third-party allows it. Patients are responsible to submit receipts for reimbursement if it is not allowed.

The chiropractor is encouraged to use discretion. Continuity of care should not be dependant on patient`s ability to pay. In addition, services should not be billed for a simple follow-up or check-in with existing patients.

## **Compliance**

Chiropractors who choose to offer telehealth under this policy are granted permission by the NBCA Board of Directors and are subject to the same regulation as if care was provided in-person. Care can only be provided once permission is granted by the NBCA. Failure to comply with the regulations are subject to the complaints process as articulated in the Act.

## **Registrant application for telehealth**

Registrants must complete the application form prior to initiating telehealth consultations.