

**Draft Minutes
March 21, 2017
Telehealth Advisory Council
Agency for Health Care Administration
Goodwood Museum & Garden
1600 Miccosukee Road
Tallahassee, Florida 32308**

Members Present

Justin M. Senior, Chair,
Dr. Celeste Philip
Dr. Ernest Bertha (virtual)
Dr. Anne Burdick
Leslee Gross
Darren Hay (virtual)
Dr. Kim Landry
William Manzie
Elizabeth Miller
Dr. Kevin O'Neil (virtual)
Dr. Steven Selznick (virtual)
Mike Smith
Matthew Stanton
Monica Stynchula

Members Absent

Dr. Sarvam TerKonda (excused)

Staff Present

Nikole Helvey
Pam King
Haley Priest

Others Present

Interested Parties (Attachment A)

Welcome and Opening Remarks

Chair Senior called the meeting to order at 1:00 p.m. Due to technical difficulties connecting members attending virtually, the meeting was paused for 15 minutes.

Roll Call

Chair Senior welcomed the group and directed Ms. Nikole Helvey to call the roll. A quorum was present.

Review and Approval of the Minutes

Dr. Anne Burdick noted that a statement attributed to her on page three, paragraph six of the minutes, was not her comment. No other member noted it being their comment, and it was stricken from the record. A motion was made to approve the minutes as amended; the motion was seconded and carried unanimously.

Welcome and Opening Remarks

Ms. Lauren Faison, Regional Development, Population Health, & Telehealth Coordinator, Tallahassee Memorial Healthcare welcomed the Council and introduced Mark O'Brien, President and Chief Executive Officer, Tallahassee Memorial Healthcare, and Dr. Dean Watson, Chief Medical Officer, Tallahassee Memorial Healthcare. Mr. O'Brien highlighted the need for telehealth for the treatment of patients living in rural Florida. He shared his belief that technology will allow for the treatment of patients where they are located and eventually in their

homes. He noted the starting place for this type of care begins with connecting rural hospitals to larger or regional health systems. Dr. Watson shared information on the current services Tallahassee Memorial Healthcare offers via telehealth. He noted a need to reimbursement changes to cover telehealth services. He acknowledged the Council for their work and noted he looked forward to their report.

Department of Health - Physician Workforce Statistics

Steven Chapman, PhD, Director, Division of Public Health Statistics and Performance Management, shared information on trends in Florida's physician workforce. He provided information on expected population growth versus expected growth in physician licensure. He highlighted physician specialty areas with anticipated surplus and deficits. The current extrapolation indicate a shortage in several provider specialty types with a specific impact in urban and rural areas of Florida. The largest current specialty deficit is in psychiatry, with anticipation it will remain in a deficit into the future. Dr. Chapman shared initiatives Florida was promoting or implementing to strengthen the current physician workforce, including expansion of graduate medical education programs, community paramedicine programs, and telehealth.

Ms. Stynchula asked if information on broadband coverage in physician shortage areas was available. Dr. Chapman advised he was not knowledgeable in the area of broadband coverage. Ms. Helvey noted that staff would look into obtaining this information for the Council.

Ms. Miller suggested it might be beneficial to consider nurse practitioner and physician assistant data segments when looking into primary care needs for patients.

Mr. Smith asked for additional on the data related to health provider shortage areas (HPSA) in Florida. Dr. Chapman clarified that HPSAs include facilities, geographical areas, and underserved population areas. He share there are 600 HPSAs in Florida; half of those are correctional facilities and the other half are made-up of the other two categories.

Mr. Manzie asked Dr. Chapman for more information on the paramedicine program. Dr. Chapman shared that he was aware of trials in rural areas being implemented, but did not have specific details. Dr. Landry shared information about the trial paramedicine program established in the panhandle of Florida.

Department of Health – Medical Quality Assurance

Claudia Kemp, J.D., Executive Director, Florida Board of Medicine, shared information on laws and policy related to licensure and standards of care for health care practitioners in Florida, specifically as it relates to physicians. She commented on the numerous definitions for telehealth, including those in telecommunication and Children's Medical Services regulations. She also noted House Bill 7011 as current legislation, which has a telehealth definition. Ms. Kemp highlighted information on how other states are handling regulatory issues related to telehealth.

She shared that in her research, it appears some states are offering specialty licensure or participating in a licensure compact to simplify the licensure process for those providing telemedicine. She noted that most medical practice statutes clarify the location of the patient is the determinant in where a physician should be licensed.

Ms. Kemp advised the Board of Nursing had responded to a petition for declaratory state from a nurse practitioner in Ohio regarding the use of telehealth technology. She stated the Board of Nursing advised they could provide treatment to Florida patients via telehealth.

Dr. Landry requested clarification on the details of the Board of Nursing Petition for Declaratory Statement. Mr. Stanton noted the nurse practitioner was in his employ at Cleveland Clinic and noted the petition response acknowledged the nurse practitioner could provide care to Florida patients via telehealth because the supervising physician and nurse practitioner both hold a license in Florida and in Ohio. Mr. Manzie requested staff to provide a copy of the petition for declaratory statement and response to the Council members.

Ms. Gross questioned if Ms. Kemp knew why the Senate has not brought forward a companion Bill to House Bill 7011. Ms. Kemp noted any response would be speculative. Dr. Burdick requested staff to resend the Council members a copy of House Bill 7011.

Mr. Stanton questioned whether the medical boards needed more information to implement standards around telehealth. Ms. Kemp advised the Boards of Medicine and Osteopathic Medicine have recently established a joint committee to look at any needed telehealth regulations. She shared the committee would be holding its first meeting in April.

Ms. Miller asked if the Board of Medicine has an opinion on the Federation of State Medical Board's licensure compact. Ms. Kemp indicated the compact would be a discussion topic for the joint committee. She also shared the board's position of the need for physicians to be licensed in the state they are treating patients.

Ms. Stynchula requested clarification on whether physicians have to obtain a license in each state to practice if they are participating in the compact. Ms. Kemp clarified the process.

Dr. Burdick asked about the joint committee goals. Ms. Kemp noted that the goals would be part of the initial discussion in April. Dr. Burdick suggested the members of the joint committee be aware of the Council's work.

Panel Discussion

Janet Dubois, ARNP, Florida Nurse Practitioner Network, shared information on ARNPs and telehealth. She highlighted concerns with physician shortages and the need to overcome telehealth barriers in order to meet health care needs. She noted the FNPNs stance that there is no need for additional licensure laws or requirements to implement telehealth since a standard of care provision already exists. Ms. Dubois shared concerns with location restrictions for reimbursement, such as video conferencing, as a barrier to practice. Another area of restriction identified by Ms. DuBois is the requirement for a nurse practitioners supervising physician to be a Medicaid provider in order for the nurse practitioner to be a Medicaid provider. She noted a lack of reimbursement by health plans for these services with limited exception. Ms. Dubois also noted the need for a standard definition of telehealth.

Ms. Miller shared that Wellcare does provide reimbursement to nurse practitioners as a Medicaid Managed Care plan.

Mr. Smith requested Ms. DuBois share information on how Arizona has implemented telehealth, since she has practiced in that state. Ms. DuBois noted that Arizona did not require nurse

practitioner to have a protocol with a physician, which removes some of the restrictions noted previously.

Mr. Manzie commented on general confusion within healthcare as to whether nurse practitioners could treat using telehealth.

Stan Whitaker, ARNP, Florida ARNP Association, reiterated the statements by Ms. Dubois; noting the importance of telehealth for rural areas in Florida. He expressed support for the use and insurance reimbursement for both live video telehealth and store and forward technologies.

Ms. Gross remarked that nurse practitioners could provide telehealth services in rural areas. Mr. Whittaker noted the financial limitations in many rural areas to implement a telehealth platform.

Grace Bryan, PA, Florida Association of Physician Assistants, shared how Mayo Clinic utilizes telehealth to treat patients. She advised that her unit provides anywhere from one-three telehealth consults for stroke each day. She noted concern with coverage for these telehealth services.

Ms. Gross questioned whether insurers covered the tele-stroke services provided by her facility. Ms. Bryan noted that Medicare provisions focused on coverage for rural areas, but not urban.

Break 3:17 – 3:27 p.m.

Panel Discussion

Mary Thomas, JD, Florida Medical Association, emphasized the support of telehealth by their membership. She stressed key points related to telehealth that should be addressed are the need for physicians to be licensed in Florida and reimbursement should be the same as in-person treatment. Ms. Thomas also shared the need for a consistent definition for telehealth, which would be encompassing of all health care practitioners.

Ms. Thomas highlighted reimbursement for telehealth services as a barrier to expansion. She noted that physicians could not afford to implement telehealth if they could not expect compensation for treating patients through technology. She suggested providing incentives as a mechanism for expanding the use of telehealth. Ms. Thomas added that the FMA does not see licensure as a barrier to telehealth and supports the Board of Medicine's telehealth rule.

Ms. Miller asked if the FMA has a stance on the Federation of State Medical Board (FSMB) licensure compact. Ms. Thomas advised they recently voted support of the licensure compact as long as participation in the compact is optional for physicians.

Ronald Knaus, DO, Florida Osteopathic Medical Association (FOMA), informed the Council that he is a retired private practice physician, currently practicing part-time for the US Department of Veterans Affairs (VA), providing psychiatric evaluations across the state. Dr. Knaus expressed the need of telehealth expansion, especially in the area of psychiatry, where there is a shortage of providers. He expressed a general need for the use of telehealth to treat patients in rural and urban areas where physician do not practice, due to low earning potential, increased costs to practice, and an aging population.

Dr. Knaus added that FOMA believed physicians practicing in Florida should be licensed.

Mr. Manzie asked why Dr. Knaus was not using telehealth to provide patient evaluation. Dr. Knaus explained the consulting organization he works with is currently working to implement a telehealth platform.

Mr. Smith noted the VA's requirement for practitioners to hold a license in one state in order to work in their facilities anywhere in the United States. He questioned why states would not want to adopt that philosophy. Dr. Knaus shared that private practice and working within the restrictions of the VA were vastly different and not comparable.

Michael Jackson, BPharm, Florida Pharmacy Association, noted telehealth has been around for a very long time. He also noted the FPA's January 2016 journal dedicated to the topic of telehealth.

Mr. Jackson noted the security of health information sharing platforms, interoperability of systems for patient record sharing, and reimbursement for telepharmacy services, as areas of importance. He shared the potential for collaborative care using telehealth to reduce medication errors and adverse reactions.

Mr. Jackson also suggested the Board of Pharmacy rules were outdated and needed revisions to include current practice models. He shared the Board of Pharmacy was looking at rules that touch on telehealth; however, in order to implement specific rules, legislative changes were needed.

Mr. Manzie asked what limitations were in place for implementation of telepharmacy. Mr. Jackson identified the expense of implementing the initial infrastructure, internet connectivity, and physician comfort in working with pharmacists in this capacity.

Ms. Gross asked if medication therapy management is reimbursable when offered via telehealth. Mr. Jackson noted reimbursement was plan specific.

Public Comment

Dr. Carolyn Stimel, PhD, Florida Psychological Association - Dr. Stimel explained the confusion among health care professionals on the legal ability for them to provide treatment with telehealth technology. She shared there have been declaratory statements submitted to the Board of Psychology related to the use of telehealth. Dr. Stimel noted the lack of statutory language for the Board of Psychology to develop rules related to telehealth. She also noted a national group is looking at the development of a licensure compact.

Anna Baznik, CEO, IMPOWER – Ms. Baznik reiterated prior comments that telehealth is not a service; it is a modality for providing health care. She highlighted the importance of telehealth as a modality for providing behavioral health treatment given the current shortage and future expected shortage of psychiatrists.

Mr. Smith asked how her organization had overcome the barriers shared by others. Ms. Baznik noted she would be providing a presentation at the May Council meeting would provide more in-depth details at that time.

Member Discussion & Next Steps

Chair Senior asked Ms. Helvey to provide a review of upcoming meetings. Ms. Helvey shared that the April meeting will be in Orlando at the Guidewell Innovation Center. She noted the

speakers would be providing information on the use of telehealth in public facilities – including schools, correctional facilities, and the county health departments. Ms. Helvey also shared that the May meeting will be in Miami at the County Health Department. She informed the Council that the focus would be on practitioner use of telehealth and speaker topics would include information from pediatricians, neurologists, speech pathologists and audiologists, and behavioral health practitioners.

Dr. Burdick asked staff to invite Latoya Thomas with the American Telehealth Association to present at the April meeting rather than some of the other presenters.

Ms. Miller asked staff to invite someone with the Center for Medicaid/Medicare Services (CMS) to present at an upcoming meeting. Mr. Stanton noted he would assist staff in finding an appropriate contact within CMS.

After much discussion, the Council determined a need to begin the structural development of their report. Mr. Manzie moved to determine the feasibility of extending the April meeting by a few hours and to hold full day meetings in May and June. The motion was seconded and carried unanimously.

Dr. Philip suggested the report include timelines to establish realistic expectation. Dr. Burdick noted the need to review existing laws from other states. Mr. Smith recommended defining the term telehealth. Dr. Landry provided four high level categories as a potential foundation for the report discussion.

Adjournment

There being no further discussion, the Telehealth Advisory Council adjourned at 5:00 p.m.

Attachment A

Interested Parties in attendance at the March 21, 2017 Telehealth Advisory Council Meeting

Interested Parties Present:

Sabrina Gallo, Greenberg-Traurig; Jason Winn, Florida Osteopathic Medical Association; Ronald Knaus, DO, Florida Osteopathic Medical Association; Adam Chesler, Cardinal Health; Anna Baznik, IMPOWER; Janet DuBois, Florida Nurse Practitioner Network; Grace Bryan, Florida Association of Physician Assistants; Steven Chapman, Department of Health; Stan Whittaker, Florida Association of Nurse Practitioners; Michael Jackson, Florida Pharmacy Association; Carolyn Stimal, Florida Psychological Association; Allison Wiman, Florida TaxWatch; Geoffrey Becker, Medtronic; Megan Weiland, AHCA; Layne Smith, Mayo Clinic; Glenn Thomas, Florida Association of Nurse Anesthetists; Mike Nuccio, Florida Academy of Physician Assistants; Denise Adams, Joe Baker, Jr., Amanda Bolanos, Charles Brennan, Christine Certain, Shakeelah Chambers, Carol Clark, Stuart Clarry, Christine Creel, Richard Curley, Frank Gholston, Patricia Greene, Teri Heimann, Joni Higgins, Bethany Linderman, Jennifer Lloyd, Maria Lodge, Matt Meyanathan, Mounira Ragsdale, Joy Ryan, Richard Starkey, Dana Stewart, Kelly Stone, Angie Sullivan, Rosie Tuzik, Chris Wall, Cassandra Garza