

# COVID-19 Pandemic Telehealth Patient Safety Considerations for Policyholders

The delivery of oral health care has changed during the COVID-19 pandemic. Dental healthcare providers have been urged to treat only those patients with emergency oral health issues during this time. To reduce transmission of the virus and limit dental emergencies from presenting to hospital emergency departments, the use of remote communication technology, including telehealth platforms, has increased during this time.

As your medical professional liability carrier, we have developed FAQs related to communication and patient safety and risk management considerations. However, laws and regulations related to telehealth consultation services vary from state to state. Consult with dental boards in the state(s) in which you are licensed to practice for current information. Reference the [ADA](#) website for clinical and billing guidance related to telehealth consultation services.

## **How can I notify patients that telehealth services are available?**

Inform your patients that telehealth consultation services are available through methods you would typically use to share information with patients, such as office voicemail recordings, email, social media and/or hard copy mailings. Include which application(s) patient should use to contact your office. Read the [ADA's Video-teleconferencing and Cybersecurity during COVID-19](#) document for information and recommendations on appropriate applications to use. Consider reminding patients that telehealth consultation services are available to triage patient concerns and determine if an emergency in-office evaluation and/or treatment is necessary.

## **Do patients need to consent to telehealth communication?**

Fortress recommends, but does not mandate, that patients sign an acknowledgement form to document their understanding of the risks inherent to virtual evaluations (i.e. privacy and administrative concerns and the limited scope of the exam). A sample acknowledgement form can be downloaded [here](#). Procedure-specific informed consent forms can be utilized, and downloaded as needed from [dds4dds.com](#), should treatment be deemed necessary.

## **What is the potential liability related to telehealth consultations?**

Provider liability risks related to telehealth consultations are much the same as in person treatment. For example, a clinician encountering a potentially life-threatening condition via telehealth evaluation who does not refer the patient for an in-office evaluation or to the emergency room may face a potential liability risk if an adverse event were to occur.

## **What specific patient safety and risk management considerations should I be aware of related to telehealth consultations?**

Patient safety and risk management remain the same, regardless of treatment location and modality:

- ✓ Consider the patient's best interest in evaluation of patient concerns and allow for patient autonomy in treatment planning.
- ✓ Documentation is critical for telehealth consultations, just as it is with traditional office visits. It is important to document indications for monitoring, prescribing and treatment for each patient. Consider noting any challenges specific to telehealth consultations, i.e. patient terminated the session and/or poor video quality compromised evaluation.

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- ✓ If treatment is necessary, obtain informed consent following the usual recommended process:
  - a discussion between the treating doctor and patient and/or patient representative,
  - a consent form signed by the treating doctor, patient and a witness,
  - and documentation of the informed consent process in the patient chart.

## **Are there specific recommendations to consider if I determine a patient should be evaluated in my office?**

The ADA has published [interim guidance and flowcharts](#) to assist dentists and dental offices in making informed decisions concerning patient triage, evaluation, and treatment during the COVID-19 crisis.

Should an in-office exam/treatment be deemed necessary, Fortress provides two forms, designed to be used together, to assist you in communicating with your patients. Fortress recommends, but does not mandate, the use of these forms.

- [COVID-19 Pandemic Emergency Dental Treatment Notice and Acknowledgement of Risk Form](#)
- [COVID-19 Pandemic - Patient Disclosures](#)