



# ACADEMIC HEALTH PROFESSIONALS INSURANCE ASSOCIATION

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### TELEMEDICINE IN NEW YORK STATE

Telemedicine is a growing field and has no signs of slowing down anytime soon. Telemedicine has the potential to reduce costs and potentially improve care, by allowing rural areas to consult with specialists that may not otherwise be available. However, this evolving area of medicine is a minefield for a health care provider, largely because the rules and regulations were not designed for this practice of medicine. This article will demonstrate some of the issues facing a practitioner using telemedicine.

At the outset, one of the primary concerns is the practice of medicine across state lines. If a physician is consulted and treats a patient in another state, that physician may be accused of the unauthorized practice of medicine. Even though a physician consulted from his or her office in New York State, that physician may be improperly practicing medicine in another state. If the patient is in another state, the physician providing treatment, even by telephone, should be licensed in that state.

With respect to physician liability, there have not been a significant amount of malpractice cases involving telemedicine. The few cases that are out there are in specific fields, the most prominent being radiology. For example, a radiology study is sent off site, sometimes out of state or even out of the country. If a Plaintiff believes the radiology study was incorrectly interpreted by an out of state radiologist, that radiologist may be subject to a lawsuit.

As technology progresses, telemedicine will not be limited to radiology, so any physician will be subject to the same level of scrutiny as is the case when practicing medicine generally. Much of the value in this practice will be in the ability of rural health care facilities to consult with specialists in areas of medicine not available at that hospital. However, even if that practice is within New York State, health care professionals still need to be mindful of potential credentialing issues. In general, a physician would need to be credentialed at every hospital, including the offsite facility seeking telemedicine. So, if a hospital calls seeking a telemedicine consultation, a practitioner needs to be mindful of this potential issue and discuss it with the hospital before providing any consulting services.

Of course, every situation will differ. Keep in mind that if any Academic Group insured is free to call the Academic Legal Hotline when facing dilemmas like the one outline above. The number for this free service, available 24/7, is 1-800-572-0179.



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*Prepared for Academic by our partners at Feldman Kieffer. Feldman Kieffer manages the Academic Hotline, a free service provided by Academic for the convenience of our members.*