

HUSCH BLACKWELL

DuaneMorris®

Telehealth and Innovations in Technology

Julian Rivera and Lisa W. Clark

Friday, May 24, 2019 | 3:05 PM Central

The University of Texas School of Law
2019 Technology Law Conference

DuaneMorris®

HUSCH BLACKWELL

1

“Telehealth” in the “Digital Health” Ecosystem

Technology Functions in Health Care


Documentation,
Data Storage


Predictive
Analytics


**Communication,
Remote Consultation**


Robotics,
Surgical Support


Virtual,
Augmented
Reality

Telehealth represents the interactive, electronic exchange of information for the purpose of diagnosis, intervention, or ongoing care management between a patient and/or health care providers situated remotely.

Patient-to-Provider



E-visits



Wearables



Secure messaging

Telehealth Modalities

Real-time
virtual visits

Remote patient
monitoring

Asynchronous
store-and-forward

Provider-to-Provider



E-consults



Implantables



Second opinion consults

DuaneMorris®

© 2019 Husch Blackwell LLP

HUSCH BLACKWELL

2

2

New Advances in Tech Propel Interest in Telehealth

Notable Telehealth FDA Clearances



KardiaBand

Medical device accessory that uses Apple Watch to capture an EKG, enabling detection of atrial fibrillation



Cochlear Nucleus Implant System

Remote programming capabilities for cochlear hearing implants



Abilify MyCite

Ingestible “smart pill” with digital sensors designed to monitor medication adherence

Tech Giants Targeting Telehealth



Telehealth Regulatory Issues List

- **Professional Conduct**
 - Physician Licensure
 - State Medical Board Regulations
 - Informed Consent
 - Physician-Patient Relationship
 - Prescribing (States, Ryan Haight Act)
- **Technology**
 - FDA – Medical Devices
 - FCC – Wireless Spectrum
 - FTC – Advertising
- **Data Privacy and Security**
 - OCR
 - HIPAA/HITECH
 - Cloud
 - FTC – Breach Notification Rule
 - ONC – Standard Development & Coordination
 - State Privacy and Security Laws
- **Compliance**
 - Reimbursement
 - Stark
 - Anti-Kickback
 - State kickback laws

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Telehealth and Innovations in Technology

Also available as part of the eCourse

[2019 Technology Law eConference](#)

First appeared as part of the conference materials for the

32nd Annual Technology Law Conference session

"Telehealth and Innovations in Technology"