

Questions to Ask Your Telemedicine Malpractice Carrier

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CTeL News

We often receive questions at **The Robert J. Waters Center for Telehealth and e-Health Law (CTeL)** on the legal and regulatory issues impacting telemedicine.

We recently received a question asking for suggestions on what questions a practitioner should ask a malpractice insurer when making a decision on whether a liability insurance plan will cover the practice of telemedicine.

Joe McMenamin, MD JD, of McMenamin Law Offices, a CTeL Legal Resource Team member, offered the following questions:

1. Does my liability insurance cover telemedicine services?
2. Do you cover all states that I am licensed in and provide telemedicine services?
3. Are there any technology standards or protocols that you recommend I follow?
4. Am I covered if there is a failure to use telemedicine when its use is alleged to be required under the applicable standard of care?
5. Are my policy limits adequate in each state? For example, if I practice in a state with a cap on damages, am I insured to the level of that cap?
6. What is your rating, by AM Best or by any comparable rating organization?
7. What has been your claims experience with distance care in my specialty in each state where I practice or plan to practice?
8. Do you offer a consent-to-settle clause? If so, is it offset by a “hammer” clause?
9. Do you offer any telemedicine-specific risk management advice?
10. Do you offer any premium discount if I take relevant CME or similar courses designed to reduce my risk, and therefore yours?

We hope this series of questions will be useful to providers who are navigating the choosing of liability insurance.

If you have any questions that should be considered for this list, please let us know.

Telemedicine malpractice issues will be discussed at the November CTeL Executive Fall Summit 2015.

[Click here for more information on the Summit agenda and registration information.](#)