

RESOURCE GUIDE

Telemedicine Tips: Patient Consent

TEXLA TELEHEALTH RESOURCE CENTER
& THE F. MARIE HALL INSTITUTE FOR
RURAL AND COMMUNITY HEALTH



ABOUT TEXLA TRC

The TexLa Telehealth Resource Center at the Texas Tech University Health Sciences Center provides:

- **TECHNICAL ASSISTANCE.** *TexLa provides information, tools and resources to help providers start telemedicine.*
- **LEARNING.** *TexLa provides education and outreach to help advance telehealth.*
- **CONNECTION.** *TexLa provides support to connect providers with patients.*

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Patient consent is required for telemedicine or telehealth encounters. Medicare may not require informed consent, but many states require telemedicine/telehealth consent by statute or within their Medicaid program.

Who requires telemedicine consent?

Patients must provide their informed consent in order to receive Telemedicine Medical Services or Telehealth Services.

IN TEXAS, per Texas Occupations Code 111.002, "A treating physician or health professional who provides or facilitates the use of telemedicine medical services or telehealth services shall ensure that the informed consent of the patient, or another appropriate individual authorized to make health care treatment decisions for the patient, is obtained before telemedicine medical services or telehealth services are provided."

IN LOUISIANA, per Louisiana Administrative Code 46 § XLV-7511, "a physician shall insure that each patient to whom he or she provides medical services by telemedicine is 1) Informed of the relationship between the physician and patient and the respective role of any other health care provider with respect to management of the patient; and 2) Notified that he or she may decline to receive medical services by telemedicine and may withdraw from such care at any time."

What should telemedicine consent include?

Patients should be provided sufficient information to adequately address and explain telemedicine technology and its limitations. Patients should be aware of and consent to the risks of telemedicine and telehealth, including delays, equipment failures, and security breaches. This should all be discussed with the patient before providing any services and proof of informed consent should be maintained in patient's medical record. Written consent may be obtained by mail prior to the visit or by using an online patient portal.

Is verbal consent sufficient?

Yes. Consent may be written or verbal. When using verbal consent for a patient encounter, documentation of the telemedicine encounter should indicate that verbal consent was obtained. Written consent is preferred.

Where can I find resources and sample consent forms?

The Agency for Healthcare Research and Quality has published guidance for the patient consent discussion and a sample consent. A sample consent is also available along with other tools and resources at www.texlatrc.org.

- [AHRO Consent Guidance](#)
- [TexLa TRC Sample Consent](#) ■