

THE STANDARD OF CARE IN TELEHEALTH



The purpose of this document is to educate federal and state policymakers on the standard of care specifically as it relates to public policy. Legislators are asked to vote on bills that create a requirement for medical professionals to perform certain procedures or diagnostics around given conditions. Legislators, mostly without medical training, enacting laws mandating certain medical procedures undercuts the principle that every patient is unique and requires an individualized approach to treatment. The Standard of Care is the mechanism that provides necessary guardrails – both legal and regulatory – while allowing the provider to use their expertise, education, and professional discretion that is essential to formulating individualized care plans.

What is it?

“Standard of Care” is a term of art in the medical and legal communities. There is no universal standard of care in medicine and the legal definition can differ by jurisdiction. In general, the standard of care is a duty owed to a patient based on the situation presented and will depend on the patient’s condition and medical history, the provider’s specialty and licensure, and other circumstantial factors. It is not a list of procedures or a specific outcome. Legal definitions often refer to the standard of care as the care a reasonable person would provide in similar circumstances. State regulating bodies who enforce the standard of care therefore consider a variety of factors when evaluating individual circumstances.



Why is it important?

The standard of care is most commonly used to determine whether a medical professional delivered reasonable and competent care to a patient.

How is it enforced?

State professional boards maintain authority over medical providers and can hold them accountable should they be found to have violated the standard of care.

How does the standard of care apply to telehealth?

All medical providers are responsible for upholding the standard of care when treating a patient, whether in brick-and-mortar facilities or via telehealth. Patients should have the same high expectation for quality health care regardless of the modality used to deliver that care.