



**ASA / NCCAOM Town Hall V Q&A**

**May 20, 2020, 5pm PDT/8pm EDT**

**[Video Recording](#)**

**[PowerPoint Slides](#)**

Table of Contents

**INSURANCE PANEL DISCUSSION .....2**

**American Acupuncture Council.....2**

## INSURANCE PANEL DISCUSSION

### American Acupuncture Council

**Question:** Are Health insurers required to pay for COVID19 testing for healthcare workers to return to work before they can see & treat patients, even if the healthcare worker is symptom free? If yes, what can we quote to our insurer if they say No they will not pay unless we are symptomatic?

**Answered by AAC June 2, 2020:** This is something that needs to be addressed by each health insurance carrier. The federal government has asked health insurers to not pass on costs including copayments to insureds for COVID19 testing. They are not mandated; therefore, you should always check with your own insurance carrier.

**Question:** Will your policy cover claims due to a patient contracting covid-19 in my office?

**Answered by AAC June 2, 2020:** Our policy provisions have not changed. There is no exclusion. Each claim, as was indicated during the town hall, is addressed on an individual basis, and needs to fall within the terms and conditions of the policy.

**Question:** For those of us with AAC, will our current policy stay the same?

**Answered by AAC June 2, 2020:** The policy has not changed.

**Question:** Is liability insurance covering the treatment of a COVID-19 infected person?

**Answered by AAC June 2, 2020:** Most State Executive Orders, CDC Guidelines, and licensing boards restrict an acupuncturist from directly treating active COVID 19 patients.

**Question:** Can Marilyn define JCO guidelines? What is JCO?

**Answered by AAC June 2, 2020:** JCO is joint commission. The joint commission is a quasi-governmental agency that accredits hospitals and large medical facilities. It looks at personnel, paperwork, and facilities to assure standards are met to receive formal accreditation. This acceptable accreditation allows these facilities to receive federal reimbursement for health services.

**Question:** Can we get written info on cybersecurity insurance?

**Answered by AAC June 2, 2020:** Cyber liability is included in our AAC malpractice policy. Many people refer to it as data breach. Please feel free to communicate with our customer service team for more detailed information.

**Question:** Is this cyber security coverage offered as an extension to the professional liability coverage (failure to protect patients' information) or must it be purchased separately?

**Answered by AAC June 2, 2020:** Cyber liability is already included in the AAC Malpractice policy. There is nothing extra to purchase.

**Question:** If the patient gives consent by being on the video for telehealth then do they need to sign a form each time?

**Answered by AAC June 2, 2020:** We still recommend having each patient complete the formal informed consent. An informed consent should always be reviewed with each patient prior to them signing that they understand what they are consenting to. Being on video may accomplish that to a point although you would still need a model release form. It would be our recommendation to continue to utilize AAC traditional informed consent. You do not need a new consent form each time unless there is a new condition that you will be treating.

**Question:** Do we need to get additional malpractice for telehealth with herbs?

**Answered by AAC June 2, 2020:** You should always notify your malpractice carrier that you would be working with patients through telehealth. You would also want to make sure that they know what herbs you will be using. You must make sure that the herbs you recommend are within your scope. You would also want to make sure that you are treating patients with telehealth in states that you maintain an active license in good standing.

**Question:** On telemedicine, can you show patients where to place ear seeds (after mailing them some seeds) and count that as a unit of acupuncture for insurance purposes?

**Answered by AAC June 2, 2020:** We may need more information but on the surface it appears that would be something licensing boards would prohibit.

**Question:** Are there any mask standards that we must meet for safety and insurance coverage purposes? By face mask standards I mean are we covered by insurance if we work in a homemade mask? Or is there a requirement for a certain grade of mask? For patients?

**Answered by AAC June 2, 2020:** You should always follow your state department of health and the CDC guidelines for healthcare providers to maintain compliance.

**Question:** Are the malpractice companies giving a break on our rates for those who are not able to practice and are in states that have been closed for 2 months now (like what the car insurance companies are doing)? Does American Acupuncture Council or CMF cover the incidence of COVID-19 transmission happening at my practice?

**Answered by AAC June 2, 2020:** Having been the leading malpractice provider for acupuncturists for over 30 years, we have always been committed to supporting the entire acupuncture profession. In this time of need, we have made many accommodations to help our insureds.

**Question:** As a new practitioner, literally passed exams, and licensed by Mar 20, then unable to begin a practice, attempting to maneuver which state I am allowed to practice in, look for work, or open an office. I am concerned that the stipulations exist that No new patients would not allow us

new practitioners to practice, as every patient would be a new patient to a new practice. Or if I began working for someone, the patients would be new to me. Can you offer guidance to this?

**Answered by AAC June 2, 2020:** Marilyn, on behalf of AAC, has assisted thousands of acupuncturists get started over the years and continues to do so through this pandemic. Call her directly on her personal cell phone at 714-420-2895.

**Question:** Has the AAC or any other carriers developed any additional waivers in case a patient develops COVID and feels the acupuncture office is at fault? Any protections for us as a profession?

**Answered by AAC June 2, 2020:** Yes, AAC has developed an informed consent for your patients as well as safety guidelines for your practice. You can get this information from our website <https://acupuncturecouncil.com/> or by contacting AAC directly 800-838-0383.

**Question:** Can the panelists please provide a detailed list of what we need to document with each patient regarding our COVID safety protocols?

**Answered by AAC June 2, 2020:** As indicated on another question, AAC has the paperwork available on our website or through our customer service team.

**Question:** Does AAC malpractice policy include protection for telehealth liability?

**Answered by AAC June 2, 2020:** Yes, AAC covers telehealth. Please let the customer service team know that you will be utilizing this.

**Question:** Liability: we need help with how to protect ourselves regarding having carpeted surfaces in our treatment rooms. There is no real guidance, no real product, to disinfect carpeting. How therefore do we protect ourselves in terms of Liability? Do we have language added to our Consent Form to include "not responsible for any potential transmission of viruses, bacteria due to carpeted surfaces"? We need clear liability guidance on this.

**Answered by AAC June 2, 2020:** Check OSHA guidelines and EPA products list for appropriate disinfectants.

**Question:** What forms should be signed each time before an appointment? COVID consent only? Pre-screening only? Combination of both?

**Answered by AAC June 2, 2020:** Both.

**Question:** How would documentation be handled for a shared clinic space, e.g., two practitioners seeing patients in the same clinic room at different days/times? Does each practitioner need a protocol or need it be a shared protocol?

**Answered by AAC June 2, 2020:** You would do a shared protocol that both of you establish and follow. Each of you need to make sure that you keep proper patient documentation.

**Question:** As an acupuncturist, am I liable if a patient contracts COVID-19 in my office, either from me or from another patient? If I am following current cleaning guidelines and distancing except for diagnosis and treatment, does that change liability?

**Answered by AAC June 2, 2020:** All those procedures will limit your liability. Most states at this moment have not offered immunity to healthcare offices.

**Question:** Must we also get clients to sign a COVID liability waiver with each in person?

**Answered by AAC June 2, 2020:** Yes

**Question:** Do we have to be tested before reopening?

**Answered by AAC June 2, 2020:** Check with your State Department of Health for guidance here.

**Question:** MD visits do not document disinfection of clinic, or other safety protocols in their chart notes? I do not understand why we must write it in the chart. I do not understand what is recommended here.

**Answered by AAC June 2, 2020:** What was recommended was to document your policies and procedures into a notebook. This does not need to be in each patient's personal file but does need to be documented for the office site.

**Question:** How does this all pertain to herbal medicine? Obviously you cannot make claims but what if you have a new patient who strictly wants herbal treatment for COVID-19?

**Answered by AAC June 2, 2020:** You must be in compliance with your licensing board. We are not aware of any licensing boards that are allowing direct treatment of the virus at this point in time.

**Question:** Is it in our legal right to turn down a new or current patient who may have one or any of the symptoms of COVID-19?

**Answered by AAC June 2, 2020:** Yes

**Question:** Do I have to measure everyone's temperature?

**Answered by AAC June 2, 2020:** It is the recommendation that CDC has put out for healthcare providers.

**Question:** Please clarify when we are talking about a liability form, are we talking about a consent for care or a separate liability form? Thank you.

**Answered by AAC June 2, 2020:** We are talking about an informed consent however, there is an additional consent to treat during this pandemic. AAC has made these forms available on its website.

**Question:** Is doing an email prescreen to each patient that is coming into the clinic, questioning about symptoms in an email form a breach of HIPPA?

**Answered by AAC June 2, 2020:** Email correspondence with patients should be through an encrypted email service to avoid any liability or HIPAA breach.

**Question:** Can I treat out of state patients with herb using telemedicine?

**Answered by AAC June 2, 2020:** Only if you are licensed in both states.

**Question:** Can I do telemedicine herb consultation for a patient living in New York if I am only licensed in Arizona?

**Answered by AAC June 2, 2020:** No

**Question:** What liability and ethical issues arise if some practitioners in a suite of offices with shared common areas follow CDC infection control and regulations and others do not?

**Answered by AAC June 2, 2020:** Everyone needs to follow CDC guidelines. If it is not being followed everyone becomes at risk.

**Question:** I work as an IC as part of a chiropractic practice. There are also 4 massage therapists as part of this group. I am the only one having patients sign a waiver. How does this work regarding my liability insurance if someone says they contracted COVID 19 from my practice?

**Answered by AAC June 2, 2020:** When you are in a shared environment, there is always additional risks. You need to make sure that your specific patients sign the waiver and you keep everything up to date according to CDC guidelines.

**Question:** How do we handle documentation around treating higher risk patients - like someone with diabetes - during this time? Many of us treat people undergoing chemo, etc.

**Answered by AAC June 2, 2020:** You should do your prescreening, get informed consent, and document as you would under normal conditions.

**Question:** We are also being required to wear masks, yet on most of the medical / surgical style mask packaging now there is a warning that they do not protect in any way from COVID 19. Is this a concern in terms of liability?

**Answered by AAC June 2, 2020:** You should be utilizing surgical masks that are at least equivalent to N95.

**Question:** Do you recommend we record telehealth consultations for protection from liability or is it safer not to record, in terms of hacking?

**Answered by AAC June 2, 2020:** They could be recorded, and they need to be encrypted and stored per HIPAA requirements.



**Question:** One of the webinars I attended stated that the patient must initiate a telehealth appointment, that we cannot ask them. is this true?

**Answered by AAC June 2, 2020:** You can keep in touch with your patients and let them know your availability through telehealth. They do need to request an appointment with you.