

TELEHEALTH 301: Court Cases

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Center for Connected
Health Policy

THE NATIONAL
TELEHEALTH POLICY
RESOURCE CENTER



CENTER FOR CONNECTED HEALTH POLICY (CCHP)

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is a non-profit, non-partisan organization that seeks to advance state and national telehealth policy to promote improvements in health systems and greater health equity.

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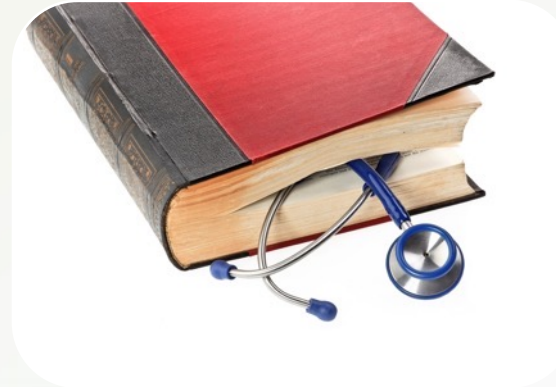
WAYS TELEHEALTH POLICY CREATED



Legislation



Regulation



**Administrative
Action**



Court Cases



COURT CASES HAVE IMPACTED/INFLUENCED POLICY



Malpractice Cases

- Influences operation
- Impacts premiums on malpractice coverage



Other Cases

- Change laws and regulations
- Leads to development of policy in the other channels such as legislation, regulation and administrative policy



EXAMPLE

- **North Carolina State Board of Dental Examiners v. Federal Trade Commission**
 - **2015 Supreme Court Case**
 - **NC Dental Board limited who could do teeth whitening, prevent other professionals such as cosmetologist from performing the service**
 - **FTC took action and case reached the Supreme Court**
 - **Supreme Court ruled in favor of the FTC**
 - **Dental board included market participants who benefited from limiting competition**
 - **Certain safeguards needed to be in place such as state oversight over the board or board members who were not market participant to allow such actions**



IMPACT

- Based upon the North Carolina case Teladoc sued the Texas Medical Board in 2015 on an anti-trust case
 - TX Medical Board issued rules that required physicians to conduct in-person physical exams before diagnosis and treatment was allowed
 - The majority of the TX Medical Board members were practicing physicians
 - TX Medical Board lost the case in US District Court and appealed, but put the case on hold in an effort to work out a resolution
 - State legislation was passed to remove the face-to-face requirement and the Medical Board revised their rules in 2017





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Thank You!

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