The Transformation of Telehealth Laws In a Post COVID-19 World: Data Privacy, Medical Malpractice, and Regulatory Compliance

Thesis: The COVID-19 health crisis created a more loose environment regarding telehealth regulation, and due to the nature of data privacy, medical malpractice, and regulatory compliance, legislatures, lawyers, and practitioners need to work together in order to utilize telehealth more effectively and safer in the future.

Background: The COVID-19 pandemic strained the healthcare industry practically, financially, and legally. In addition, it brought to light issues unprecedented in our nation. As a result, telehealth utilization skyrocketed nearly 4,000% (for example, the health system I work for saw daily telehealth visits jump from 500 daily to over 10,000 daily). Due to demand, federal and state legislatures made exceptions to many of the current regulations surrounding telehealth.

Reasoning: Prior to COVID-19, providers rarely employed remote care options. The temporary regulatory relief provided by the government has allowed providers to fully realize the capabilities of telehealth. Telehealth provides (1) improved access to healthcare; (2) cost efficiency; (3) improved quality; and (4) a reduction in hospital readmission rates. In order for utilization to continue to increase, the temporary regulatory relief needs to be extended permanently. Moreover, legislatures, lawyers, and providers need to collaborate in order to: (1) protect patient data; (2) avoid breaching the standard of care for patients that may lead to more medical malpractice; and (3) avoid regulatory violations at the state and federal level.

Conclusion: Telehealth is good. In order to continue providing better, more affordable care to people, legislatures and regulatory bodies need to find common ground in order to provide uniform telehealth services throughout the country.