

Sarah Churchill Llamas, Bhavesh Modi and Michael Smith for Law360: Tips for Providing Mental Health Care Remotely

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Winstead PC attorneys Sarah Churchill Llamas, Bhavesh Modi and Michael Smith recently drafted an article for *Law360* offering tips for medical professionals who are providing mental health care remotely during the COVID-19 pandemic. An excerpt is below:

“It is difficult to identify any aspect of everyday life that the global COVID-19 pandemic has not, in some way, impacted or altered.

As the health care community valiantly responds and adjusts to the myriad challenges associated with the novel coronavirus, individual patients have also been forced to rearrange in the midst of the public health crisis. For health care providers and patients, COVID-19 has upended many aspects of life that not long ago seemed rather stable and relatively predictable, such as education, travel, employment, entertainment, shopping, finances and social gatherings.

A disruption of this magnitude has spurred innovation in the delivery of medical care. At the same time, providers should be mindful of recent studies indicating 45%, or nearly half, of adult Americans report having their mental health negatively impacted due to COVID-19, demonstrating an increase in the need for behavioral and mental health treatment and services during the public health crisis.

As a result of the global pandemic and stay-at-home orders, many health care providers have turned to telemedicine and telehealth as a means to safely, and remotely, continue offering care to their patients. A recent Merritt Hawkins & Associates LLC report found that 48% of physicians are using telemedicine to treat patients through the COVID-19 pandemic, up from 18% in 2018. In fact, reporting from New York University Langone Health, which added over 1300 providers to its telemedicine platform in March, demonstrates just how swiftly providers are adopting telehealth.

While most physician practices and health care facilities have policies and protocols in place for responding to behavioral or mental health warning signs when treating a patient in the clinic or facility setting, these same providers may not have similar policies and protocols for their telehealth practices — especially if the provider is new to providing care remotely. Consequently, telehealth presents novel issues providers may not be adequately prepared to handle — especially for providers forced to employ telehealth in response to COVID-19.

While telehealth enhances practitioners' ability to reach patients — particularly amid social distancing directives — virtual care also requires the provider to assess a patient's condition without several tools and factors present in the clinical setting. Regardless of location or specialty, when assessing a patient's condition, practitioners must be prepared to identify possible behavioral or mental health warning signs.

This may prove difficult in some telehealth encounters, as practitioners may have difficulty assessing a patient's environment, social support or physical cues remotely, which is especially critical amid unusual and extreme stressors associated with a global pandemic. Accordingly, practices and facilities should not assume that in-office policies and protocols would seamlessly transfer to telehealth visits.

This resource has basic information for practitioners to consider in reviewing or preparing policies and protocols regarding behavioral and/or mental health indications when treating patients remotely.”

[Read the full article.](#)

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