



Check List

Telehealth Credentialing and Privileging Sec. 482.12. Conditions of Participation – Governing Body

The Centers for Medicare and Medicaid Services' (CMS) final rule on credentialing and privileging requirements for telehealth practitioners is effective on July 5, 2011. This rule establishes a process for originating-site hospitals (location of the patient) to rely on the credentialing and privileging decisions of the distant site hospital (location of the specialist) for telehealth practitioners.

Definition of Terms

- Originating Hospital: location of the patient
- Distant-Site Hospital: location of the telemedicine practitioner

* Please Note: Red = New Provisions Provided Through CMS Final Rule

Executive Summary Conditions of Participation – Governing Body [Sec. 482.12]

Section 482.12 pertains to the appointment of a hospital's medical staff.

Section 482.12 (8) requires that when telemedicine services are furnished to a distant-site hospital (i.e. the location of the telemedicine practitioner) that a formal written agreement specifies that it is the responsibility to meet the requirements 1-7 of 482.12 (see below for requirements 1-7).

Section 482.12 (9) specifically applies to the written agreement between the originating-site hospital and the distant-site hospital, which requires that the distant-site hospital is a contractor of services to the originating-site hospital and furnishes services that is compliant with the Conditions of Participation.



Conditions of Participation – Governing Body Section 482.12 (1-9)

For the purposes of credentialing and privileging telehealth practitioners, the originating hospital's governing body, or the persons responsible for the hospital conduct, must adhere to the following conditions in determining appointment to the hospital's medical staff:

- (1) Determine which categories of practitioners are eligible candidates for appointment to the medical staff (in accordance with state law).

- (2) Appoint members of the medical staff after considering the recommendations of the existing members of the medical staff.

- (3) Assure that the medical staff has bylaws.

- (4) Approve medical staff bylaws and other medical staff rules and regulations.

- (5) Ensure that the medical staff is accountable to the governing body for the quality of care provided to patients.

- (6) Ensure the criteria for selection are individual character, competence, training, experience, and judgment.

- (7) Ensure that under no circumstances is the accordance of staff membership or professional privileges in the hospital dependent solely upon certification, fellowship, or membership in a specialty body or society.

- (8) Ensure that, when telemedicine services are furnished to the hospital's patients through an agreement with a distant-site hospital, the agreement is written and



that it specifies that it is the responsibility of the governing body of the distant-site hospital to meet the requirements in 1-7 regarding the distant-site hospital's physicians and practitioners providing telemedicine services. The governing body of the hospital whose patients are receiving the telemedicine services may, grant privileges based on its medical staff recommendations that rely on information provided by the distant-site hospital.

- (9) Ensure that when telemedicine services are furnished to the hospital's patients through an agreement with a distant-site telemedicine entity, the written agreement specifies that the distant-site telemedicine entity is:
 - a contractor of services to the hospital
 - furnishing the contracted services in a manner that permits the hospital to comply with all applicable conditions of participation for the contracted services, including 1-7 above.

The governing body of the hospital whose patients are receiving the telemedicine services may grant privileges to physicians and practitioners employed by the distant-site telemedicine entity based on such hospital's medical staff recommendations.

Staff recommendations may rely on information provided by the distant-site telemedicine entity.

DISCLAIMER

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