

An Act to Increase Care Options for Patients

Definitions:

“Board” - the state medical board or appropriate oversight entity that oversees that healthcare services provider.

“Healthcare services provider” a health care professional who is licensed, certified, or registered by the state to perform healthcare services within the provider's scope of practice and in accordance with state law.

“Telehealth” means a mode of delivering healthcare services through the use of telecommunications technologies, including but not limited to asynchronous and synchronous technology, remote patient monitoring and store-and-forward technology, by a healthcare services provider to a patient or a healthcare services provider at a different physical location than the original healthcare services provider.

“Asynchronous” means an exchange of information regarding a patient that does not occur in real time, including the secure collection and transmission of a patient's medical information, clinical data, clinical images, laboratory results, or a self-reported medical history.

“Synchronous” means an exchange of information regarding a patient occurring in real time.

“Remote patient monitoring” means the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare services provider.

(1) REGISTRATION TO PERMIT PATIENTS THE OPTION TO ACCESS MORE TELEHEALTH PROVIDERS.

(A) Across State Line Provider Registration. A healthcare services provider not licensed, registered, or certified in this state may provide healthcare services to a patient located in this state using *[insert state reference to the definition of telehealth and/or telemedicine]*, if the healthcare service provider registers with the applicable board, oversight entity, or the *[insert state reference to primary health agency]* department if there is no board, and provides healthcare services within the applicable scope of practice established by (State) law.

(B) State Registration Entity or Board Requirements. The board, oversight entity, or the department if there is no board, shall register a healthcare services provider not licensed in this state as a telehealth or telemedicine provider if the healthcare services provider:

1. Completes an application in the format prescribed by the board, oversight entity, or department;
2. Is currently licensed, registered, or certified with an active, unencumbered license, registration, or certificate that is issued by another state, the District of Columbia, or a possession

or territory of the United States, which license, registration, or certificate is substantially similar to those accepted or issued in (State);

3. Has not been the subject of disciplinary action relating to his or her license, registration, or certificate during the 5-year period immediately prior to the submission of the application; and

4. Demonstrates to the board, oversight entity, or the department if there is no board, that the provider is in compliance with paragraph (D), if required by state law for telehealth and telemedicine providers.

The board, oversight entity, or the department if there is no board, may use the National Practitioner Data Bank to verify the information submitted under this paragraph, as applicable.

(C) Conditions Preventing Registration. A healthcare services provider is ineligible to obtain registration under this subsection if the provider's license, registration, or certificate to provide healthcare services issued by another state, the District of Columbia, or a possession or territory of the United States is subject to a pending disciplinary investigation, action, or proceeding, or has been revoked in any state or jurisdiction. A healthcare services provider registered under this subsection must notify the appropriate board, oversight entity, or the department if there is no board, of restrictions imposed upon the provider's license to provide healthcare services, and of any disciplinary action initiated, taken, or pending against the provider relating to the provider's license, registration, or certificate to provide healthcare services, in another state, the District of Columbia, or a possession or territory of the United States. The notification required by this paragraph must be provided within 5 business days after the restriction is placed or disciplinary action is initiated or taken.

(D) Discipline of Non-Compliant Registered Providers. The board, oversight entity, or the department if there is no board, may take disciplinary action against an across state line healthcare services provider registered under this subsection if the registrant:

1. Fails to notify the applicable board, or the department if there is no board, of any adverse actions taken against the provider's license to provide healthcare services as required under paragraph (C).

2. Has restrictions imposed upon the provider's license, registration, or certificate to provide healthcare services or disciplinary action by another state, the District of Columbia, or a possession or territory of the United States.

3. Violates any of the requirements of this section.

4. Commits any act that constitutes grounds for disciplinary action for healthcare providers licensed in this state.

Disciplinary action taken by a board, or the department if there is no board, under this paragraph may include suspension or revocation of the provider's registration or the issuance of a reprimand or letter of concern. A suspension of a registrant's registration may include a corrective action plan as determined by the board, or the department if there is no board, the completion of which may lead to the suspended registration being reinstated according to rules adopted by the board, or the department if there is no board.

(2) LOCATION OF SERVICES

(A) For the purposes of this section, any act that constitutes the delivery of health care services is deemed to occur at the place where the patient is located at the time the act is performed or in the patient's county of residence. Venue for a civil or administrative action initiated by the department, the appropriate board, or a patient who receives telehealth or telemedicine services from an across state line provider may be located in the patient's county of residence.

(3) EXEMPTIONS TO IMPROVE PATIENT CARE

(A) A healthcare services provider who is not licensed, registered, or certified to provide healthcare services in this state but who holds an active license, registration, or certificate to provide health care services in another state or jurisdiction, and who provides healthcare services using telehealth or telemedicine to a patient located in this state, is not subject to the registration requirement under this section if the services are provided:

1. In response to an emergency medical condition; or
2. In consultation with a healthcare services provider licensed, registered, or certified in this state who has ultimate authority over the diagnosis and care of the patient; or
3. As after-care specifically related to a medical procedure that was delivered in person in another state; or
4. To a person who is a resident of another state, and the healthcare services provider is the primary care or behavioral health provider located in the person's state of residence; or
5. To fewer than ten telehealth encounters in each calendar year.

(4) SUBMISSION OF REGISTRATION INFORMATION

(A) Nothing in this section shall require a healthcare services provider to have to show up for an in-person photo or signature before being licensed, registered, or certified. Additional information required to be submitted to the board, oversight entity, or department if there is no board, may be submitted electronically.