

Legislative Telehealth Bills

MAY 13, 2024

WashingtonState
Telehealth Collaborative

Uniform Telehealth Act

WashingtonState
Telehealth Collaborative

- Passed on 3/05
- Governor signed on 3/19
- Effective date 6/6/2024

S.B. 5481 - Uniform Telehealth Act

- See final bill report [here](#).
- See bill text [here](#).
- Adopts the following changes:
 - Removes the definitions for “telemedicine,” “store and forward technology,” and “telemedicine services.” Adds definitions for “telehealth” and “telehealth services,” and replaces reference to “telemedicine” with “telehealth”
 - Allows a provider to establish a patient relationship through telehealth
 - The practice of a telehealth service occurs at the patient’s location at the time the service is provided
 - Clarifies that an out-of-state practitioner may use telehealth services to consult with an in-state practitioner regarding a patient, but the in-state practitioner remains responsible for providing the care
 - Prohibits a disciplining authority from adopting practice standards for telehealth that are different from in-person standards
 - Adds that this act does not require reimbursement for telehealth services if they do not meet the reimbursement requirements for telemedicine in statute
 - Updates the due date for the WA State Telehealth Collaborative to review the idea of a registration system for out-of-state practitioners regulating their profession in Washington to allow them to provide telehealth services to patients in Washington. A report is due by 12/01/2024 back to the Legislature.

S.B. 5481 - Uniform Telehealth Act

“An out-of-state health care practitioner may provide telehealth services to a patient located in this state if the out-of-state health care practitioner:

1. Holds a current license or certification required to provide health care in this state or is otherwise authorized to provide health care in this state, including through a multistate compact of which this state is a member; or
2. Holds a license or certification in good standing in another state and provides the telehealth services:
 - a) In the form of a consultation with a health care practitioner who has a practitioner-patient relationship with the patient and who remains responsible for diagnosing and treating the patient in the state
 - b) In the form of a specialty assessment, diagnosis, or recommendation for treatment. This does not include the provision of treatment; or
 - c) In the form of follow up by a primary care practitioner, mental health practitioner, or recognized clinical specialist to maintain continuity of care with an established patient who is temporarily located in this state and received treatment in the state where the practitioner is located and licensed.”

S.B. 5481 – Collaborative Task

“The Collaborative must review the proposal authored by the Uniform Law Commission for the state to implement a process for out-of-state health care providers to register with the disciplinary authority regulating their profession in this state allowing that provider to provide services through telehealth or store and forward technology to persons located in this state. By December 1, 2024, the Collaborative must submit a report to the legislature on its recommendations regarding the proposal.”

Arizona State Registration

- A health care provider who is not licensed in Arizona may provide telehealth services to a person located in Arizona if they comply with all of the following:
 - Registers with the state's applicable **health care provider regulatory board or agency** that licenses comparable health care providers on an application prescribed by the board or agency
 - Holds a **current, valid and unrestricted license to practice in another state** that is substantially similar to a license issued in Arizona to a comparable health care providers
 - Not subject to any **past or pending disciplinary proceedings in any jurisdiction**
 - Notify the applicable health care provider regulatory board or agency **within five days** after any restriction is placed on the provider's license or any disciplinary action is initiated or imposed
 - Pays the **\$500 registration fee**
 - Before prescribing a controlled substance to a patient, registers with the controlled substances prescription monitoring program
 - **Annually updates the health care provider's registration** for accuracy
 - **Submits a report** with the number of patients the provider served in Arizona as well as the total number and type of encounters for the preceding year
- A health care provider who is registered **may not**:
 - Open an office in this state, except as part of a multistate provider group that includes at least one health care provider who is licensed in Arizona through the applicable health care provider regulatory board or agency
 - Provide in-person health care services to persons located in Arizona without first obtaining a license through the applicable health care provider regulatory board or agency
- On or before the first of each month, each health care provider regulatory board or agency shall submit to the telehealth advisory committee on telehealth best practices reporting the:
 - Number and type of out-of-state health care providers who have applied for registration and with approved registration

Florida State Registration

- A health care professional not licensed in Florida may provide health care services to a patient located in this state using telehealth if they:
 - Register with the **applicable board, or the department if there is no board**
 - Maintain an **active, unencumbered license** from another state, the District of Columbia, or a possession or territory of the United States (license verification is required upon registration)
 - Provides health care services within the **applicable scope of practice established by Florida law or rule**
 - Do not have a pending investigation, discipline, or revocation on their license within the **last five years**
 - Designate a **duly appointed registered agent** for service of process in Florida (the agent's name must be on the Registered Agent Name List maintained by the Division of Corporations)
 - **Maintain liability coverage or financial responsibility** for telehealth services provided to patients in Florida in an amount equal to or greater than Florida health care practitioner requirements
 - Only use a Florida-licensed pharmacy, registered nonresident pharmacy, or outsourcing facility to dispense medicinal drugs to patients in Florida (pharmacists only)
 - Wish to administer, dispense, or prescribe controlled substances in multiple states, Florida directs providers to the Drug Enforcement Administration (DEA) for guidance, including having a DEA registration
- A health care provider who is registered **may not**:
 - Open an office in this state
 - Provide in-person health care services to patients located in this state
- There is no fee to apply or become registered
- The Florida Department of Health is required to maintain a public list of all registered out-of-state telehealth providers

Registration Requirements	Arizona	Florida
Applicable regulatory board or agency manages the registrations	X	X – If no applicable board, the Florida Department of Health manages the registrations
Have a current, active, valid, and unrestricted license from another state to practice	X	X
No past or pending investigations, revocations, or disciplinary actions	X	X
Act in full compliance with all applicable laws and rules of the state, including scope of practice	X	X
If providers wish to prescribe, administer, or dispense controlled substances, they must register per their state guidelines	X – Must register with the controlled substances prescription monitoring program	X – Must have a DEA registration
Maintain professional liability coverage or financial responsibility for the telehealth services provided in the state	X	X
Registered health care providers cannot 1) open an office in the state and 2) provide in-person health care services	X	X
The regulatory board, agency, or state department of health to track a list of registered out-of-state telehealth providers	X – Also tracks providers who have applied	X – Required to maintain a public list
Pay a registration fee	X - \$500	N/A
Submit a report with the number of patients the provider served in the state as well as the total number and type of encounters for the preceding year	X	N/A
Requires designation of a duly appointed registered agent for service of process	N/A	X

Sources

- Arizona
 - [Arizona State Telehealth Laws - CCHP \(cchpca.org\)](https://www.cchpca.org/Arizona-State-Telehealth-Laws)
 - [4-16.pdf \(azsos.gov\)](https://www.azsos.gov/4-16.pdf)
- Florida
 - [Florida State Telehealth Laws - CCHP \(cchpca.org\)](https://www.cchpca.org/Florida-State-Telehealth-Laws)
 - [FAQs « Telehealth \(flhealthsource.gov\)](https://www.flhealthsource.gov/FAQs-Telehealth)

Audio-Only Telemedicine

WashingtonState
Telehealth Collaborative

S.B. 5821 – Audio-Only Telemedicine

- S.B. 5821 establishes a uniform standard for creating an established relationship for the purposes of coverage of audio-only telemedicine services
 - Passed on 2/28
 - Governor signed on 3/19
 - Effective date 6/6/2024
 - See final bill report [here](#).
 - See bill text [here](#).

S.B. 5821 – Audio-Only Telemedicine

“Established relationship” means the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

- ~~i. For health care services included in the essential health benefits category of mental health and substance use disorder services, including behavioral health treatment:
The covered person has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or~~
- ii. The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine

S.B. 5821 – Audio-Only Telemedicine

~~For any other health care services:~~

- ~~(A) The covered person has had, within the past two years, at least one in-person appointment, or, until July 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine; or~~
- ~~(B) The covered person was referred to the provider providing audio-only telemedicine by another provider who has had, within the past two years, at least one in-person appointment, or, until July 1, 2024, at least one real-time interactive appointment using both audio and video technology, with the covered person and has provided relevant medical information to the provider providing audio-only telemedicine~~