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Telehealth Licensure: Emerging State Models of Physician Licensure Flexibility for Telehealth

September 19th, 2023

Agenda

- Welcome
- Overview: Telehealth Licensure
- Deep Dive: State Approaches
- Panel Discussion
 - Sarvam TerKonda, MD, Federation of State Medical Boards (FSMB)
 - Marschall Smith, Interstate Medical Licensure Compact (IMLC)
 - Clark Barrineau, Medical Society of Virginia



Overview: Telehealth Licensure

Historical Context

- ❖ 1791 Bill of Rights granted states the right to regulate health
- Size, structure, and authority of medical boards varies by state:
 - Some are independent, while others are integrated into larger agencies (e.g., State Departments of Health)
 - Most consist of a combination of physicians and members of the public

COVID-19 Pandemic

To meet the increased demand for virtual care, states deployed a variety of approaches:

- Licensure requirements were waived
- Broad reciprocity waivers were implemented, which permitted physicians and other health professionals with an active license and in good standing in one state to provide care in another state without obtaining an in-state license
- ❖ Telehealth-specific exceptions were implemented, allowing out-of-state providers to deliver care in-state via telehealth without an in-state license

States' Current Considerations

- Nearly all states have lifted the temporary flexibilities implemented during the COVID-19 pandemic
- ❖ States are exploring new policies that seek to expand or streamline the state licensure process for physicians while ensuring continued authority to regulate and oversee the practice of medicine
- Nation-wide approaches and language continue to grow
 - More than 35 states and territories are members of the IMLC
 - National organizations are developing model language to inspire and support states



Overview: Licensure Pathways

Licensure for cross-state and telehealth services









Interstate compacts

Licensure by endorsement or reciprocity

Special purpose telehealth registries or licenses

in-state licensure requirements

Creates an expedited licensure pathways for physicians to deliver either in-person or telehealth services in more than one state

Provides an expedited pathway for physicians to obtain a full license in the endorsing state or state with reciprocity agreement based on a set of qualifying criteria

Allows physicians who are licensed in other states to register or obtain a special license to deliver telehealth services to in-state residents

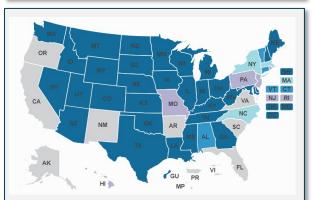
Allows physicians who are licensed in other states to deliver services via telehealth (and in some cases in-person) to patients without an in-state license, under certain circumstances



Deep Dive: State Approaches



Interstate Compacts



>35 states and territories are members of the IMLC



Licensure by Endorsement or Reciprocity



Virginia

Four key criteria are required for licensure by endorsement:
(1) hold a current licensure in USA or Canada for the 5 years immediately preceding application; (2) engaged in active practice during that time; (3) verify all current licenses are in good standing; (4) hold a certificate from one of a number of medical societies (e.g., American Board of Medical Specialists).

VA also allows licensure by reciprocity for those licensed in Maryland or the District of Columbia.



Special Purpose Telehealth Registry or License



Florida

Offers out-of-state
registration for physicians and
other health professionals
licensed outside of Florida.
Registrants cannot have an instate physical address or
provide in-person services instate and must maintain
liability coverage for
telehealth services provided
in-state.



Exceptions to In-State Licensure Requirements



Arizona

A healthcare provider who is not licensed in AZ is eligible to provide telehealth services in the following circumstances:

- In response to an emergency
- In consultation with an AZbased provider
- To provide after-care specifically related to a medical procedure that was delivered in-state
- To a person who is a resident of another state and the telehealth provider is the primary care provider or behavioral health provider located in AZ



AMA Perspective



AMA Policy

- Support state-based licensure. Physicians and other health care professionals
 must be licensed in the state where the patient is receiving care or as otherwise
 authorized by state law.
- Physicians and other health care professionals must abide by state licensure laws and the medical practice act in the state where the patient is located.
- Support the Interstate Medical Licensure Compact.
- Support exemptions to licensure for limited circumstances.
- Encourage states to facilitate interstate telehealth for continuity of care and to preserve critical relationships between patients and their regular physician.



