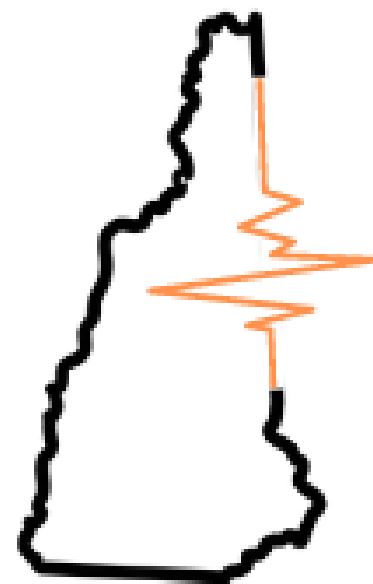


*New Hampshire*  
**telehealth**  
alliance





*presents*

# Update on Interstate Telehealth Licensure

*Jim Monahan, Founder, NH Telehealth Alliance*

*Deb Fournier, Policy Advisor, NH Telehealth Alliance & Senior Associate, UNH's Institute for Health Policy and Practice*

# How to Participate:



Questions will be addressed at the end of the webinar.



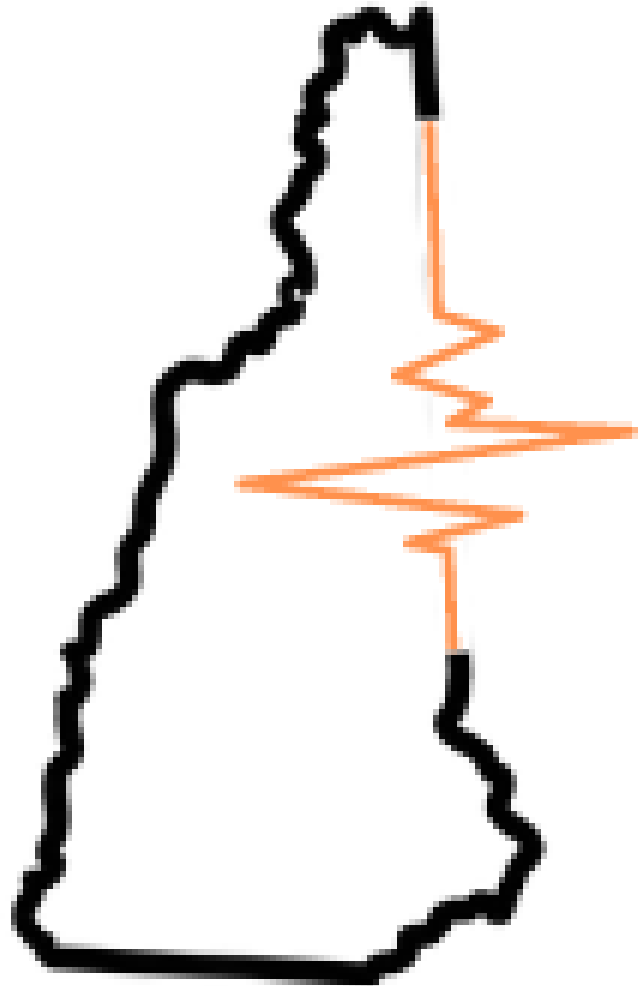
Submit a question via the “Q&A” feature in the black toolbar located at the top or bottom of your screen.



Only questions submitted via Q&A will be read by our host for the panelists to address.



A recording of this webinar will be made available to members.



*Deb Fournier*

*Policy Advisor, NH Telehealth Alliance*

*&*

*Senior Associate, UNH's Institute for  
Health Policy and Practice*

# DISCLAIMERS

Any information provided in this webinar is not to be regarded as legal advice. This webinar is purely for informational purposes.

Always consult with legal counsel.

## Licensure and Telehealth

According to the Center for Connected Health Policy, “When telehealth is used, it is considered to be rendered at the physical location of the patient.

Therefore, a provider typically needs to be licensed in the patient’s state.”

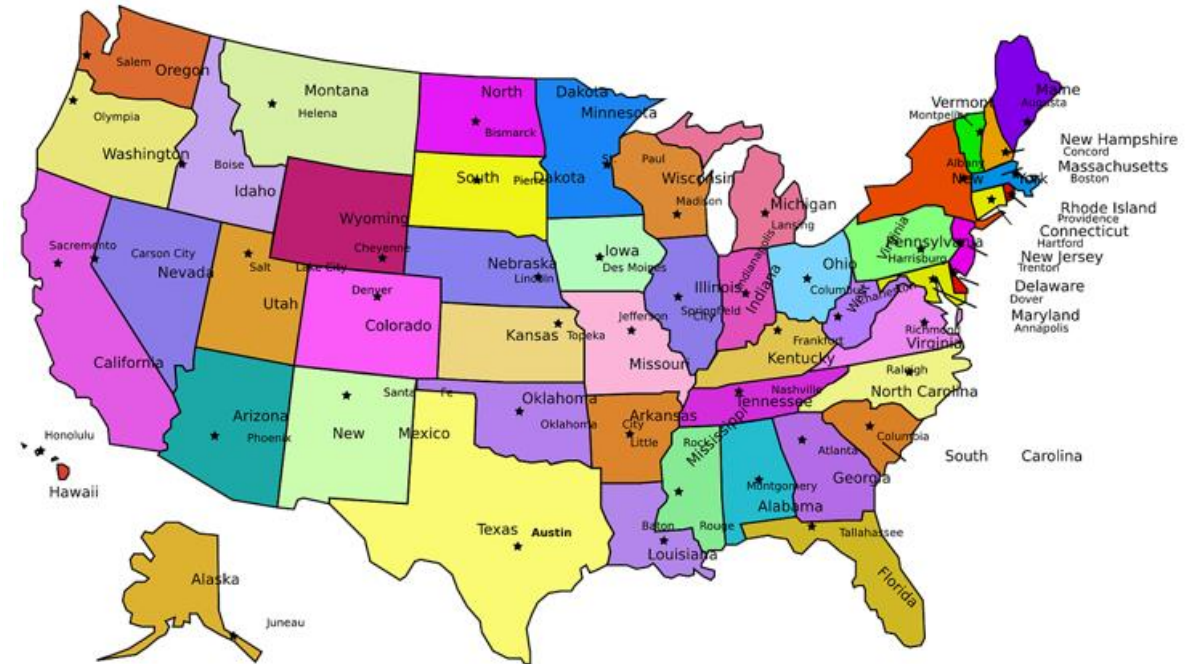
[-https://www.cchpca.org/topic/cross-state-licensing-professional-requirements/](https://www.cchpca.org/topic/cross-state-licensing-professional-requirements/)

# In Other Words

The state where the patient is sets the rules about licensure.

# Relaxed Licensure Requirements During COVID-19 States of Emergency

**Many states modified licensure requirements to facilitate telehealth services across state borders in response to COVID-19**





FOR EXAMPLE IN  
NEW HAMPSHIRE:

State flexibility for licensure of out-of-state providers was based on NH Emergency Order #15: Relative to professional licensure and healthcare provision.

Emergency Order #15 allowed any out-of-state medical provider that has a profession that is licensed in NH to perform medically necessary services as if licensed in the state according to the particular conditions.

# Relaxation of Licensure Requirements for Telehealth Services

The medical services provided within New Hampshire are in-person or through appropriate forms of telehealth.

The medical provider presents to the Office of Professional Licensure & Certification evidence that they are licensed in good standing in another jurisdiction.

*Such medical providers shall be issued an emergency New Hampshire license at no cost, which shall remain valid during the declared state of emergency.*

Medical providers shall be subject to the jurisdiction of the appropriate state licensing body while providing services within New Hampshire.

# The NH State of Emergency Ended June 10, 2021.

- Emergency licenses for health practitioners were extended by the Office of Professional Licensure until **October 10, 2021**. <https://www.oplc.nh.gov/professional-licensing>

- SB 155 was signed by the GOV on July 9 of this year. It has a provision that states:

" VII. Licenses issued pursuant to this section shall be on a temporary basis and shall expire on or before January 31, 2022.

VIII. Emergency licenses issued during the COVID-19 pandemic pursuant to the governor's executive order 2020-04 shall not be deemed to have lapsed upon expiration of the state of emergency and shall be converted to a license under this section on the effective date of this section. This provision is intended to apply retroactively to extend the expiration date of all emergency licenses issued under executive order 2020-04 to January 31, 2022."

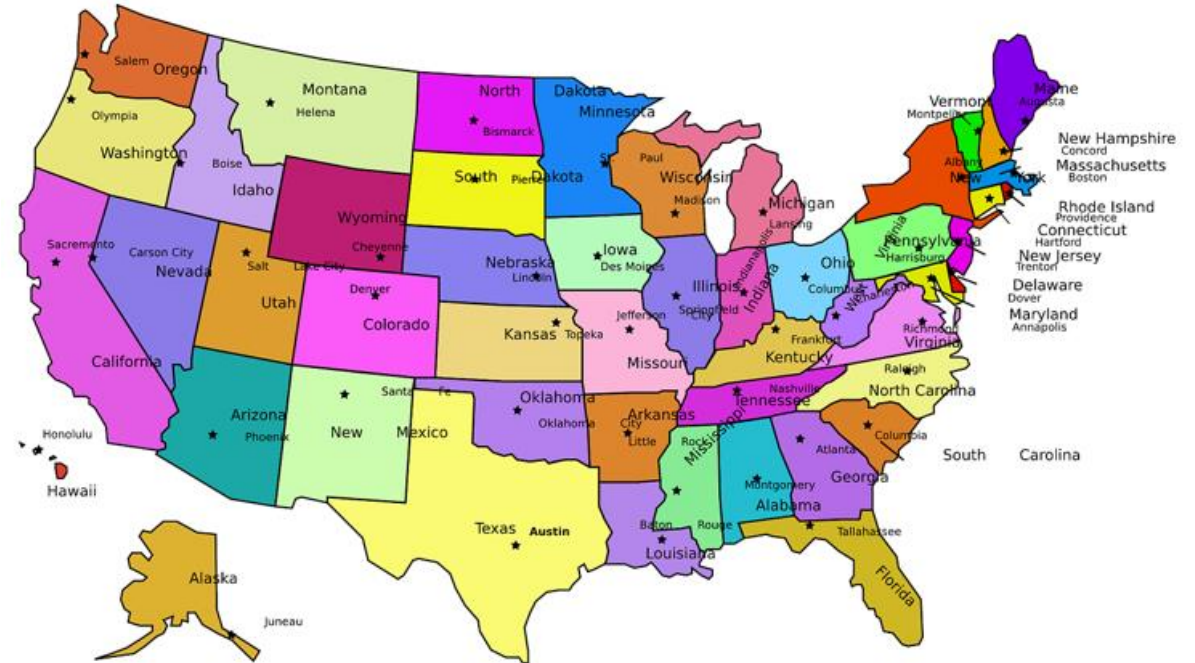
# As Emergency Orders Expire Across the Country

Providers with patients in multiple states are now contending with:

- Multiple state laws
- Multiple processes to submit applications
- Multiple fees to pay

# Federation of State Medical Board

- States with waivers: 18 + DC
- States with waivers, not allowing new applications: 0
- States without waivers (or closed waivers): 32
- States with long-term or permanent interstate telemedicine: 14 + GU + CNMI + PR + USVI



# Sample State Licensing Laws from Center for Connected Health Policy

<https://www.cchpca.org/>

- [Arizona](#) allows a provider not licensed in the state to provide telehealth services to in-state patients if they register with the applicable in-state licensing or regulatory body, in addition to other requirements. [West Virginia](#) [Minnesota](#) and [Florida](#) also allow for an out-of-state registering process.
- [New York](#) updated its definition of distant site in Public Health Law to include any site within the country.
- [Utah](#) allows out-of-state physicians to practice without a Utah license as long as they are licensed in another state with no licensing action and at least 10 years experience.
- [Pennsylvania](#) issues extraterritorial licenses to physicians residing or practicing with unrestricted licenses in an adjoining state, near the Pennsylvania boundary, and whose practice extends into Pennsylvania.
- [New Mexico](#) requires the medical board to issue a licensed physician a telemedicine license who holds a full and unrestricted license to practice medicine in another state or territory of the United States. [Georgia](#) and [Louisiana](#) also authorize the issuing of telemedicine licenses.

# Sample State Licensing Laws from Center for Connected Health Policy

<https://www.cchpca.org/>

- [California](#): Extends Medicaid telehealth waivers and flexibilities until July 1, 2022.
- [Colorado](#): Enacted both the Occupational Therapy Compact and Audiology and Speech Language Pathology Compact.
- [Kansas](#): Authorized the issuance of telemedicine waivers for the practice of telemedicine by out-of-state healthcare providers.
- [District of Columbia](#): Enacted both the Physical Therapy Compact and the Psychology Interjurisdictional Compact.

# New England State Telehealth Waiver Status

- Connecticut: The executive order that allowed a physician or PA licensed in another state to practice in Connecticut without a Connecticut license expired on July 20, 2021.. Public Act 21-9 (HB 5596) authorizes the Commissioner of Public Health to issue an order allowing an out of state licensed physician or PA to provide services via telehealth without obtaining a Connecticut license through June 30, 2023. **However, there is no such order in place at this time.**
- Maine: Physician, physician assistant, or nurse who is licensed and in good standing in another state and has no disciplinary or adverse action in the last ten years could receive an emergency Maine license. **The Maine State of Emergency expired June 30, 2021, per 6/11 Proclamation** But the state joined the Psychology Interjurisdictional Compact and Occupational Therapy Compact.



# New England States Telehealth Waivers Status

- Massachusetts: Established an Emergency Temporary License Application for out-of-state physicians to assist in meeting the increased demand for physician services in Massachusetts. To qualify for an Emergency Temporary License a physician must hold an active full, unlimited and unrestricted medical license in good standing in another U.S. state/territory/district. **The state of emergency was rescinded on June 15, 2021, ending the temporary license waivers.**
- Rhode Island: **The waiver allowing out-of-state physicians to practice telemedicine with RI established patients, was rescinded by EO 21-76 in July, 2021.**
- Vermont: Recently passed legislation creating the *Facilitation of Interstate Practice Using a Telehealth Working Group* to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities.

# Federal Response

## **Temporary Reciprocity to Ensure Access to Treatment Act or the TREAT Act S168 (introduced in Senate, February 2021)**

referred to the Committee on Health, Education, Labor, and Pension

- Temporarily authorizes the interstate provision of in-person and telehealth services. This authorization applies during, and for at least 180 days after, the COVID-19 (i.e., coronavirus disease 2019) emergency.
- Subject to scope of practice and other requirements, a health care professional may provide health services in any U.S. jurisdiction based on that individual's authorization to practice in any one state or territory.
- Provides certain related powers to health care professional regulatory bodies, such as medical boards. Specifically, a regulatory body may investigate and take disciplinary actions against a professional who provides services pursuant to this bill to a patient in that body's jurisdiction.

# What about Interstate Compacts?



“To ease the burden of cross-state licensing, some professions have created interstate licensing compacts to make it simpler for professionals to practice across state lines. For a state to participate in a compact, they would need to enact standard legislative language that sets out the ground rules for the Compact.”

# Are Compacts In Use?

- [Nurse Licensure Compact \(NLC\)](#): Allows nurses to have one license viable in other compact member states, allowing for a nurse to practice in both their home state and other states which have signed on to the compact.
- [Interstate Medical Licensure Compact](#): This particular Compact creates an expedited medical licensure process with the goal of allowing physicians to become licensed in multiple states more easily, while protecting patient safety.
- [The Physical Therapy Compact](#): Under the Compact, a physical therapist or physical therapist assistant needs to obtain a “Compact Privilege” (the authorization to work in a Compact member state other than the PT or PTA’s home state) in each member state.
- [The Psychology Interjurisdictional Compact \(PSYPACT\)](#): Gives psychologists in PSYPACT member states the authority to practice interjurisdictional telepsychology in other PSYPACT states.
- [The Recognition of EMS Personnel Licensure Interstate CompAct \(REPLICA\)](#): A multi-state compact that extends a privilege for EMS personnel to practice on a short-term, intermittent basis in another member state under certain circumstances.
- [Audiology and Speech-Language Pathology Interstate Compact \(ASLP-IC\)](#): Authorizes both telehealth and in-person practice across state lines in ASLP-IC states for audiologists and speech-language pathologists.

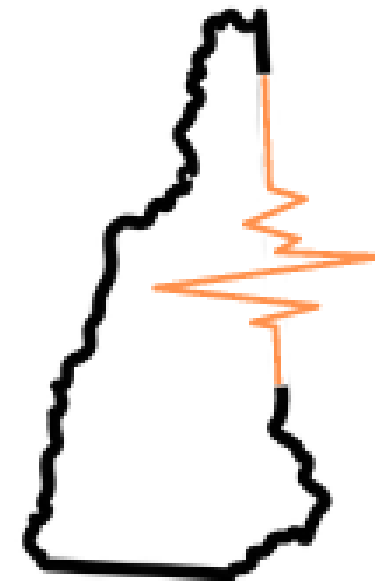
# RESOURCES FOR PROVIDERS TO HELP NAVIGATE LICENSURE

- TALK TO YOUR COUNSEL
- Federation of State Medical Boards:  
<https://www.fsmb.org/siteassets/advocacy/pdf/states-waiving-licensure-requirements-for-telehealth-in-response-to-covid-19.pdf>
- Center for Connected Health Policy: <https://www.cchpca.org/topic/cross-state-licensing-professional-requirements/>

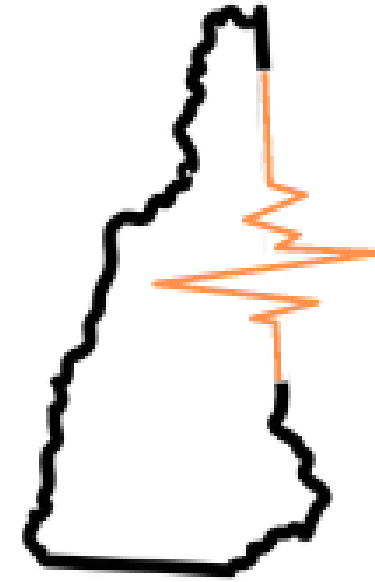
# REMEMBER

The state where the patient is located sets the rules about licensure.

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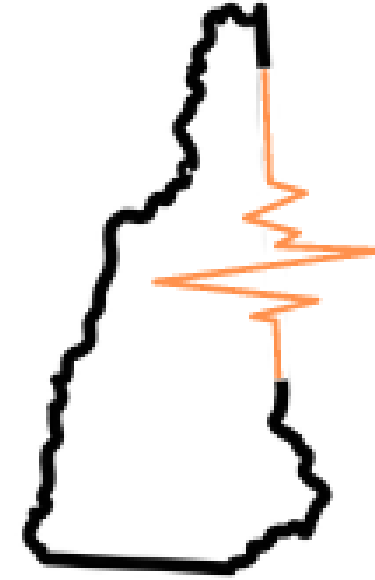
## Q&A



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**Thank you for joining us!**

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