

Hastening Telehealth Provision of Medical Services Across State Lines

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In response to the COVID-19 pandemic, the majority of states have temporarily waived or modified licensure requirements, allowing licensed practitioners from other states to provide in-person or telehealth services without seeking state-specific licenses. During this unprecedented time, states have quickly recognized the need for medical professionals to work across state lines and the importance of expanding telehealth services. While some states have fully waived the state-specific licensure requirements for both in-person and telehealth services, others are modifying their requirements in more targeted ways.

For example, Missouri, Iowa, and Mississippi permit out-of-state licensed healthcare providers to treat patients in-person and via telehealth without obtaining temporary licenses. Meanwhile, other states, such as Alaska and Pennsylvania, require out-of-state practitioners to obtain an expedited license.

Below is a brief sample of actions states have taken thus far.¹ The waivers vary in duration and scope, with rapid developments and changes occurring daily. For the most current, up to date, information on telehealth licensure requirements, please contact any of the Buchalter Telehealth attorneys listed at the end of this alert.

State	Action	Duration
Alaska	<p>Alaska's Division of Professional Licensing may expedite the process of issuing a license, permit, or certificate to an out-of-state provider holding a corresponding license, permit, or certificate in good standing in another state.</p> <p>Alaska waived licensure requirements for telehealth services provided by out-of-state health care providers, including physicians, pharmacists, dentists, nurses, and physician assistants, who hold a valid license in another state and are in good standing.</p>	In effect until November 15, 2020 or a date determined by the Governor.

¹ This sample is not intended to be an exhaustive list of state actions.

California	<p>Permission for any out-of-state personnel, including medical personnel, rendering service is subject to the approval of the Director of the Emergency Medical Services Authority. The EMS Authority will only accept requests for out of state medical personnel approval from a California medical facility, telehealth agency contracted with a California medical facility, or a staffing agency providing staffing to California medical facilities. A medical facility, telehealth agency or staffing agency that desires to utilize out-of-state healthcare professionals in preparing for and responding to the COVID-19 State of Emergency, shall submit the "Request for Temporary Recognition of Out-Of-State Medical Personnel During the State of Emergency" form to the EMS Authority and receive approval for such hires in advance.</p>	<p>In effect until the termination of the State of Emergency or the end date on the Temporary Recognition Form.</p>
Delaware	<p>Out-of-state health care providers, including physicians, pharmacists, respiratory therapists, physician assistants, paramedics, emergency medical technicians, practice nurses, professional nurses, advanced practice registered nurses, nursing assistants, and mental health providers are authorized to provide in-person and telemedicine services in Delaware.</p>	<p>In effect until further notice.</p>
Florida	<p>Florida waived licensure requirements for in-person and telehealth services rendered by out-of-state health care providers holding a valid license in good standing in another state.</p>	<p>In effect until May 31, 2020.</p>
Hawaii	<p>Hawaii waived licensure requirements for in-person and telehealth services provided by out-of-state health care providers, including physicians, osteopathic physicians, and physician assistants, who hold a valid license in another state.</p>	<p>In effect for the emergency period unless terminated by a separate proclamation.</p>
Idaho	<p>Idaho waived licensure requirements for in-person and telehealth services provided by physicians and physician assistants holding a license in good standing in another state or country.</p>	<p>In effect until the Governor declares public health emergency is over.</p>

Iowa	Iowa waived licensure requirements for in-person and telemedicine services provided by physicians holding a valid license in good standing in another state.	In effect until April 30, 2020.
Kansas	Out-of-state providers may render in-person and telehealth services in Kansas after applying for an emergency temporary license. Out-of-state telehealth providers must additionally submit the Kansas Practice of Telehealth Form: COVID 19 Pandemic to the Kansas State Board of Health Arts.	Emergency temporary licenses are in effect for 90 days if not renewed, and are automatically canceled 30 days after state of emergency ends.
Kentucky	<p>Out-of-state medical practitioners, including physicians and osteopathic physicians, who are licensed in another state and are in good standing may provide in-person services after submitting the Emergency System Application for Health Practitioner.</p> <p>Kentucky waived licensing requirements for telehealth services rendered by out-of-state providers holding a valid license in good standing in another state. The out-of-state providers must register with the relevant state agency.</p>	In effect until the Governor declares in writing that the state of emergency has ceased.
Maryland	Maryland waived licensure requirements for in-person and telehealth services rendered by out-of-state physicians holding a valid license in good standing in another state.	In effect until the state of emergency has been terminated.
Mississippi	Mississippi waived licensure requirements for in-person and telehealth services rendered by out-of-state physicians holding a valid license in good standing in another state.	In effect until the Executive Director of the Mississippi State Board of Medical Licensure provides a notice that the proclamations have been lifted.

Missouri	Missouri waived licensure requirements for in-person and telehealth services rendered by out-of-state physicians holding a valid license in good standing in another state.	In effect until May 15, 2020.
Nebraska	<p>Nebraska waived licensure requirements for in-person services rendered by out-of-state providers, including nurses, osteopathic physicians, emergency physicians, surgeons, respiratory therapists, pulmonologists, mental health practitioners, pharmacists, and surgical assistants who hold a valid license from another state and are in good standing.</p> <p>Nebraska also waived licensure requirements for telehealth services rendered by out-of-state providers.</p>	In effect until 30 days after the lifting of the COVID-19 state of emergency.
New Hampshire	Out-of-state medical providers, including physicians, physician assistants, nurses, and behavioral health professionals, may provide in-person and telehealth services after obtaining an emergency New Hampshire license and providing proof of a valid license and that they are in good standing.	In effect until the State of Emergency is terminated, or the Emergency Order is rescinded.
New York	<p>New York waived licensure requirements for services provided by out-of-state providers, including physicians, nurses, physician assistants, respiratory therapists, pharmacists, and social workers who hold a license and in current good standing in another state. New York also waived licensure requirements for providers licensed and are in current good standing in Canada, including registered nurses, licensed practical nurses, physicians, physician assistants, pharmacists, dentists, podiatrists, respiratory therapists.</p> <p>New York has not specifically addressed licensure requirements related to telehealth services rendered by out-of-state providers. However, the executive order waiving licensure requirements does not limit the type of care practitioners may provide.</p>	In effect until May 16, 2020.

<p>Pennsylvania</p>	<p>Pennsylvania modified its licensure requirements to allow out-of-state practitioners to render in-person services after obtaining an expedited temporary license.</p> <p>Pennsylvania waived licensure requirements for telehealth services rendered by out-of-state practitioners after providing the Pennsylvania board with their 1) full name, home or work mailing address, telephone number and e-mail address; and 2) license type, license number, and the state that issued the license.</p>	<p>In effect for the duration of the coronavirus emergency.</p>
<p>Virginia</p>	<p>Virginia waived licensure requirements for in-person services rendered by out-of-state practitioners licensed and in good standing in another state, provided that the practitioner is engaged by a hospital, licensed nursing facility, or dialysis facility in Virginia for the purpose of assisting the facility with public health and medical disaster response operations. The facilities must submit the out-of-state practitioner's name, license type and number, and state of license to the applicable licensing authority.</p> <p>Virginia waived licensure requirements for telehealth services rendered by out-of-state providers to Virginia residents with whom they had a prior practitioner-patient relationship. Out-of-state-providers are required to receive a license from the Virginia Board of Medicine prior to rendering telehealth services to a new patient.</p>	<p>In effect until June 10, 2020 unless amended or rescinded by further executive order.</p>
<p>Washington</p>	<p>Washington waived licensure requirements for out-of-state practitioners licensed in another state and who are in good standing. Washington does not address licensure requirements for telehealth services.</p>	<p>In effect until the COVID-19 State of Emergency is lifted or May 4, 2020, whichever occurs first.</p>

Buchalter is committed to helping clients navigate through these challenging and rapidly changing times. We have attorneys experienced in adapting and guiding clients through these trying environments and are here to help however you need. If we can be of assistance, please feel free to contact any of Buchalter Telehealth Attorneys below.



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