

SENATE BILL REPORT

SSB 5423

As Amended by House, March 24, 2021

Title: An act relating to telemedicine consultations.

Brief Description: Concerning telemedicine consultations.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Rivers, Cleveland and Holy).

Brief History:

Committee Activity: Health & Long Term Care: 2/08/21, 2/10/21 [DPS].

Floor Activity: Passed Senate: 2/18/21, 49-0.

Passed House: 3/24/21, 98-0.

Brief Summary of First Substitute Bill

- Allows a licensed out-of-state practitioner to consult through telemedicine with a practitioner licensed in Washington State regarding the diagnosis or treatment of a patient within Washington State.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson and Van De Wege.

Staff: Ricci Crinzi (786-7253)

Background: Under Washington law, a practitioner who undertakes to diagnose, cure, advise, or prescribe for a person located in Washington must be licensed to practice medicine in Washington, unless the practitioner falls under a statutory exemption.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Washington State statutory exemptions allows practitioners licensed by another state to practice medicine in Washington State as long as the practitioner does not open an office or appoint a place for meeting patients or receiving calls in Washington State. The Washington Medical Commission interprets this exemption as allowing the use of telemedicine technology to facilitate continuity of care to established patients who cross state borders, and to permit peer-to-peer consultations.

Summary of First Substitute Bill: A licensed out-of-state practitioner, including osteopathic physicians, may consult through telemedicine with a practitioner licensed in Washington State regarding the diagnosis or treatment of a patient within Washington State.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill will clarify the law surrounding out-of-state physician consultations in Washington State. An out-of-state physician cannot provide a consultation in Washington State unless the out-of-state physician is licensed in Washington State. This licensure requirement limits the ability for patients within Washington to be seen by an out-of-state specialist and requires patients to travel out-of-state to see a specialist. The Washington State Medical Commission supports this bill because this bill clarifies a current statutory exemption. The Washington State Medical Commission stated that they often receive inquiries asking if out-of-state physician can consult within Washington State and if this bill is passed, then there would be clear statutory authority to allow out-of-state physicians to consult with a licensed Washington State physician.

OTHER: The Washington Medical Association supports this bill, but would like to request osteopathic, as well as other providers, be included in the consultation exemption.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor; Stephanie Mason, Washington Medical Commission; Claudia Tucker, Teladoc Health, Inc.; Michael Farrell, Washington Medical Commission.

OTHER: Jeb Shepard, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Authorizes a licensed out-of-state practitioner to consult via telemedicine or other means, rather than via telemedicine only, with an allopathic or osteopathic physician licensed in Washington who has responsibility for the diagnosis and treatment of a Washington patient.
- Modifies the provisions authorizing a licensed out-of-state practitioner to practice allopathic or osteopathic medicine if the practitioner does not open an office or appoint a place for meeting patients or receiving calls within Washington to instead authorize in-person practice.