

SENATE BILL REPORT

SB 5481

As of February 1, 2023

Title: An act relating to the uniform telemedicine act.

Brief Description: Concerning the uniform telemedicine act.

Sponsors: Senators Cleveland and Pedersen; by request of Uniform Law Commission.

Brief History:

Committee Activity: Health & Long Term Care: 2/02/23.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a registration process for out-of-state health care providers to provide telemedicine services to Washington State residents.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Greg Attanasio (786-7410)

Background: Telemedicine is the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. A telemedicine visit is considered to take place at the patient location, known as the originating site. An originating site for telemedicine includes a hospital, rural health clinic, federally qualified health center, health care provider's office, community mental health center, skilled nursing center, renal dialysis center, or a home.

The Department of Health (DOH) licenses and certifies health care professionals in a variety of fields. Licensure or certification may entail the adoption of rules, verification of educational attainment and completion of supervised training, completion of a background check and verification of good character requirements, administration of a knowledge or practical skills examination, and collection of license or certification fees. The Uniform

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.

Disciplinary Act (UDA) provides laws governing the conduct and discipline of license and certification holders, with DOH, or a board or commission within DOH, acting as the disciplining authority.

Summary of Bill: Practice Authorization. An out-of-state health care provider may provide telemedicine services to a patient located in Washington if the out-of-state health care practitioner is registered with the Washington disciplining authority responsible for licensing or certifying health care providers who provide the type of health care the out-of-state health care provider provides.

The disciplining authority must issue a registration to the out-of-state provider if the provider:

- submits a completed application in the form prescribed by the disciplining authority;
- holds an active, unrestricted license or certification in another state that is substantially equivalent to a license or certification issued by the disciplining authority;
- is not subject to a pending disciplinary investigation or action by any disciplining authority;
- has not been disciplined in the past five years, other than resolved discipline relating to a fee payment or continuing education requirement;
- has never been disciplined on a ground that the disciplining authority determines would be a basis for denying a license or certification in this state;
- consents to personal jurisdiction in this state for an action arising out of the provision of a telemedicine service in this state;
- appoints an agent for service of process in this state;
- has professional liability insurance that includes coverage for telemedicine services provided to patients located in this state; and
- pays the registration fee.

A registered out-of-state provider must renew their registration at the same frequency the disciplining authority requires for a provider licensed to practice in this state.

A registered out-of-state provider must provide the telemedicine services in compliance with the professional practice standards applicable to a health care provider who provides comparable in-person health care in this state.

A registered out-of-state provider may not open an office physically located in this state, or provide in-person health care to a patient located in this state.

Disciplinary Action. The disciplining authority may take disciplinary action against a registered out-of-state provider who:

- violates this act, the UDA, or any Washington statute or rule governing the conduct of the comparable Washington State health care profession;
- holds a license or certification that has been restricted in a state; or

- has been disciplined by any other disciplining authority, except for reasons related to a fee payment or continuing education requirement that have been resolved.

A disciplining authority may take any disciplinary action that it is authorized to take against a provider licensed in this state. Disciplinary action includes suspension or revocation of the out-of-state provider's registration.

A registered out-of-state provider must notify the disciplining authority no later than ten days after a disciplining authority in another state notifies the provider it has initiated an investigation, placed a restriction on the provider's license or certification, or taken disciplinary action against the provider.

Appropriation: None.

Fiscal Note: Requested on January 18, 2023.

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

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