

# SENATE BILL REPORT

## SB 5481

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As Reported by Senate Committee On:  
Health & Long Term Care, February 17, 2023

**Title:** An act relating to the uniform telemedicine act.

**Brief Description:** Concerning the uniform telemedicine act. [**Revised for 1st Substitute:** Concerning the uniform law commission's uniform telehealth act.]

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

**Brief History:**

**Committee Activity:** Health & Long Term Care: 2/02/23, 2/17/23 [DPS, w/oRec].

**Brief Summary of First Substitute Bill**

- Provides the circumstances in which an out-of-state health care providers may provide telemedicine services to patients in this state.
- Directs the Telemedicine Collaborative to review a proposal to allow out-of-state providers to register to provide telemedicine services to patients in this state.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass.

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

**Minority Report:** That it be referred without recommendation.

Signed by Senator Padden.

**Staff:** Greg Attanasio (786-7410)

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*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.*

**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 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 (First Substitute):** 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 holds a current license or certification required to provide health care in this state, or provides the telemedicine services in consultation with a provider who has a provider-patient relationship with the patient or in the form of a specialty assessment, diagnosis, or recommendation for treatment.

A health care 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.

"Telemedicine" is defined as 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.

"Store and forward technology" is defined as the use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person.

"Telemedicine services" means health care provided through telemedicine or store and forward technology.

The telemedicine collaborative is extended until July 1, 2025. The collaborative must review the proposal authored by the Uniform Law Commission for the state to implement a process for out-of-state health care providers to register with the disciplinary authority regulating their profession in this state allowing that provider to provide services through telemedicine or store and forward technology to persons located in this state and provide a

report the Legislature by December 1, 2023.

**EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):**

- Removes the registration option for out-of-state providers and directs the telemedicine collaborative to review the ULC language to allow out-of-state providers to registered to provide telemedicine services in Washington.
- Extends the expiration date of the telemedicine collaborate July 1, 2025.
- Limits the provision of telemedicine services to providers licensed by this state or those providing telemedicine services in consultation with a provider who has a practitioner-patient relationship with the patient or in the form of a specialty assessment, diagnosis, or recommendation for treatment.
- Adds a definition for store and forward technology and defines “telemedicine services” as services provided through telemedicine or store and forward technology throughout the bill.
- Changes the title to “AN ACT Relating to the uniform law commission's uniform telehealth act.”

**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: The Uniform Law Commission engaged in a two year process to consider this bill language. This has been used in other states without any issues with bad actors. It gives a pathway to practice and will address the provider shortage issue in the state. This bill is particularly important for mental health care. It is important to be technology neutral and include store and forward technology. The bill expands access to healthcare and greater choice of how that care is delivered.

OTHER: Peer to peer consults are already allowed under current law. Registration is not licensure and providers should not be allowed to practice in the state without licensure. Compacts are a preferred path. Timeline for licensure is not a barrier to practice. The telemedicine collaborative should review the registration process. Established relationship needs more consideration. Registered providers are less likely to accept Washington Medicaid patients. Out of state providers wouldn't know what services are available locally.

**Persons Testifying:** PRO: Senator Annette Cleveland, Prime Sponsor; Mercer May, Teladoc Health; Michele Radosevich, Uniform Law Commission; Tom Mann, ATA Action.

OTHER: Micah Matthews, Washington Medical Commission; Remy Kerr, Washington State Hospital Association; Sean Graham, WA State Medical Association (WSMA).

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