
ENGROSSED SUBSTITUTE SENATE BILL 5481

State of Washington

68th Legislature

2023 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Cleveland and Pedersen; by request of Uniform Law Commission)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to the uniform law commission's uniform
2 telehealth act; amending RCW 28B.20.830; adding a new chapter to
3 Title 18 RCW; creating a new section; and providing an expiration
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
7 cited as the uniform telehealth act.

8 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
9 section apply throughout this chapter unless the context clearly
10 requires otherwise.

11 (1) "Disciplining authority" means an entity to which a state has
12 granted the authority to license, certify, or discipline individuals
13 who provide health care.

14 (2) "Electronic" means relating to technology having electrical,
15 digital, magnetic, wireless, optical, electromagnetic, or similar
16 capabilities.

17 (3) "Health care" means care, treatment, or a service or
18 procedure, to maintain, monitor, diagnose, or otherwise affect an
19 individual's physical or behavioral health, injury, or condition.

20 (4) "Health care practitioner" means:

- 1 (a) A physician licensed under chapter 18.71 RCW;
2 (b) An osteopathic physician or surgeon licensed under chapter
3 18.57 RCW;
4 (c) A podiatric physician and surgeon licensed under chapter
5 18.22 RCW;
6 (d) An advanced registered nurse practitioner licensed under
7 chapter 18.79 RCW;
8 (e) A naturopath licensed under chapter 18.36A RCW;
9 (f) A physician assistant licensed under chapter 18.71A RCW; or
10 (g) A person who is otherwise authorized to practice a profession
11 regulated under the authority of RCW 18.130.040 to provide health
12 care in this state.
- 13 (5) "Professional practice standard" includes:
14 (a) A standard of care;
15 (b) A standard of professional ethics; and
16 (c) A practice requirement imposed by a disciplining authority.
- 17 (6) "Scope of practice" means the extent of a health care
18 practitioner's authority to provide health care.
- 19 (7) "State" means a state of the United States, the District of
20 Columbia, Puerto Rico, the United States Virgin Islands, or any other
21 territory or possession subject to the jurisdiction of the United
22 States. The term includes a federally recognized Indian tribe.
- 23 (8) "Telecommunication technology" means technology that supports
24 communication through electronic means. The term is not limited to
25 regulated technology or technology associated with a regulated
26 industry.
- 27 (9) "Telehealth" includes telemedicine and means the use of
28 synchronous or asynchronous telecommunication technology by a
29 practitioner to provide health care to a patient at a different
30 physical location than the practitioner.
- 31 (10) "Telehealth services" means health care provided through
32 telehealth.

33 NEW SECTION. **Sec. 3.** SCOPE. (1) This chapter applies to the
34 provision of telehealth services to a patient located in this state.

35 (2) This chapter does not apply to the provision of telehealth
36 services to a patient located outside this state.

37 NEW SECTION. **Sec. 4.** TELEHEALTH AUTHORIZATION. (1) A health
38 care practitioner may provide telehealth services to a patient

1 located in this state if the services are consistent with the health
2 care practitioner's scope of practice in this state, applicable
3 professional practice standards in this state, and requirements and
4 limitations of federal law and law of this state.

5 (2) This chapter does not authorize provision of health care
6 otherwise regulated by federal law or law of this state, unless the
7 provision of health care complies with the requirements, limitations,
8 and prohibitions of the federal law or law of this state.

9 (3) A practitioner-patient relationship may be established
10 through telehealth.

11 NEW SECTION. **Sec. 5.** PROFESSIONAL PRACTICE STANDARD. (1) A
12 health care practitioner who provides telehealth services to a
13 patient located in this state shall provide the services in
14 compliance with the professional practice standards applicable to a
15 health care practitioner who provides comparable in-person health
16 care in this state. Professional practice standards and law
17 applicable to the provision of health care in this state, including
18 standards and law relating to prescribing medication or treatment,
19 identity verification, documentation, informed consent,
20 confidentiality, privacy, and security, apply to the provision of
21 telehealth services in this state.

22 (2) A disciplining authority in this state shall not adopt or
23 enforce a rule that establishes a different professional practice
24 standard for telehealth services merely because the services are
25 provided through telehealth or limits the telecommunication
26 technology that may be used for telehealth services.

27 NEW SECTION. **Sec. 6.** OUT-OF-STATE HEALTH CARE PRACTITIONER. An
28 out-of-state health care practitioner may provide telehealth services
29 to a patient located in this state if the out-of-state health care
30 practitioner:

31 (1) Holds a current license or certification required to provide
32 health care in this state or is otherwise authorized to provide
33 health care in this state, including through a multistate compact of
34 which this state is a member; or

35 (2) Provides the telehealth services:

36 (a) In the form of a consultation with a health care practitioner
37 who has a practitioner-patient relationship with the patient and who

1 remains responsible for diagnosing and treating the patient in the
2 state; or

3 (b) In the form of a specialty assessment, diagnosis, or
4 recommendation for treatment.

5 NEW SECTION. **Sec. 7.** LOCATION OF CARE—VENUE. (1) The provision
6 of a telehealth service under this chapter occurs at the patient's
7 location at the time the service is provided.

8 (2) In a civil action arising out of a health care practitioner's
9 provision of a telehealth service to a patient under this chapter,
10 brought by the patient or the patient's personal representative,
11 conservator, guardian, or a person entitled to bring a claim under
12 the state's wrongful death statute, venue is proper in the patient's
13 county of residence in this state or in another county authorized by
14 law.

15 NEW SECTION. **Sec. 8.** RULE-MAKING AUTHORITY. Disciplining
16 authorities may adopt rules to administer, enforce, implement, or
17 interpret this chapter.

18 NEW SECTION. **Sec. 9.** UNIFORMITY OF APPLICATION AND
19 CONSTRUCTION. In applying and construing this chapter, a court shall
20 consider the promotion of uniformity of the law among jurisdictions
21 that enact the uniform telehealth act.

22 NEW SECTION. **Sec. 10.** Nothing in this act shall be construed to
23 require a health carrier to reimburse for telehealth services that do
24 not meet statutory requirements for reimbursement of telemedicine
25 services.

26 **Sec. 11.** RCW 28B.20.830 and 2021 c 157 s 9 are each amended to
27 read as follows:

28 (1) The collaborative for the advancement of (~~telemedicine~~)
29 telehealth is created to enhance the understanding and use of health
30 services provided through (~~telemedicine~~) telehealth and other
31 similar models in Washington state. The collaborative shall be hosted
32 by the University of Washington telehealth services and shall be
33 comprised of one member from each of the two largest caucuses of the
34 senate and the house of representatives, and representatives from the
35 academic community, hospitals, clinics, and health care providers in

1 primary care and specialty practices, carriers, and other interested
2 parties.

3 (2) By July 1, 2016, the collaborative shall be convened. The
4 collaborative shall develop recommendations on improving
5 reimbursement and access to services, including originating site
6 restrictions, provider to provider consultative models, and
7 technologies and models of care not currently reimbursed; identify
8 the existence of (~~telemedicine~~) telehealth best practices,
9 guidelines, billing requirements, and fraud prevention developed by
10 recognized medical and (~~telemedicine~~) telehealth organizations; and
11 explore other priorities identified by members of the collaborative.
12 After review of existing resources, the collaborative shall explore
13 and make recommendations on whether to create a technical assistance
14 center to support providers in implementing or expanding services
15 delivered through (~~telemedicine~~) telehealth technologies.

16 (3) The collaborative must submit an initial progress report by
17 December 1, 2016, with follow-up policy reports including
18 recommendations by December 1, 2017, December 1, 2018, and December
19 1, 2021. The reports shall be shared with the relevant professional
20 associations, governing boards or commissions, and the health care
21 committees of the legislature.

22 (4) The collaborative shall study store and forward technology,
23 with a focus on:

24 (a) Utilization;

25 (b) Whether store and forward technology should be paid for at
26 parity with in-person services;

27 (c) The potential for store and forward technology to improve
28 rural health outcomes in Washington state; and

29 (d) Ocular services.

30 (5) The meetings of the board shall be open public meetings, with
31 meeting summaries available on a web page.

32 (6) The collaborative must study the need for an established
33 patient/provider relationship before providing audio-only
34 (~~telemedicine~~) telehealth, including considering what types of
35 services may be provided without an established relationship. By
36 December 1, 2021, the collaborative must submit a report to the
37 legislature on its recommendations regarding the need for an
38 established relationship for audio-only (~~telemedicine~~) telehealth.

39 (7) The collaborative must review the proposal authored by the
40 uniform law commission for the state to implement a process for out-

1 of-state health care providers to register with the disciplinary
2 authority regulating their profession in this state allowing that
3 provider to provide services through telehealth or store and forward
4 technology to persons located in this state. By December 1, 2024, the
5 collaborative must submit a report to the legislature on its
6 recommendations regarding the proposal.

7 (8) The future of the collaborative shall be reviewed by the
8 legislature with consideration of ongoing technical assistance needs
9 and opportunities. (~~The collaborative terminates December 31,~~
10 ~~2023.~~)

11 (9) This section expires July 1, 2025.

12 NEW SECTION. Sec. 12. SEVERABILITY. If any provision of this
13 act or its application to any person or circumstance is held invalid,
14 the remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. Sec. 13. Sections 1 through 9 of this act
17 constitute a new chapter in Title 18 RCW.

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