

Audio-Only Telemedicine: Established Relationship Definition

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WashingtonState
TelehealthCollaborative

H.B. 1821: Established Relationship Definition Modified

1. *Bifurcated Requirements for Behavioral Health and “Any Other Health Care Service”*

- Stakeholders urged that the definition distinguish between the two service types since behavioral health services do not always necessitate an in-person visit

2. *Audio-Visual Telemedicine Allowed for Establishing the Relationship*

- Supplements the in-person requirement with specific allowances:
 - For behavioral health services: Audio-visual telemedicine or an in-person visit may be used to establish the patient-provider relationship. This is a permanent change.
 - For any other health care service: Audio-visual telemedicine is temporarily allowed to satisfy the relationship for audio-only telemedicine during calendar year 2023 only. The allowance ends after CY 2023, which means the original in-person visit requirement will be the only method to establish the relationship and receive reimbursement.

3. *Relationship Duration Extended*

- For behavioral health services: The duration is extended from 1 year to 3 years.
- For any other health care service: The duration is extended from 1 year to 2 years.

4. *Medical Record Access Required*

- Requires all audio-only telemedicine providers to have “access to sufficient health records to ensure safe, effective and appropriate care services”

5. *More Practice Scenarios Satisfy the Established Relationship*

- H.B. 1821 expands the practice settings to include medical groups and integrated delivery systems operated by a carrier licensed under [Chapter 48.44 RCW](#) or [Chapter 48.46 RCW](#)

Established Relationship Language

- Federation of State Medical Boards' (FSMB) policy

*“The relationship is clearly established when the physician agrees to undertake diagnosis and treatment of the patient, and the patient agrees to be treated, **whether or not there has been an in-person encounter between the physician (or other appropriate supervised health care practitioner) and patient.** A physician-patient relationship may be established via either synchronous or asynchronous telemedicine technologies **without any requirement of a prior in-person meeting**, so long as the standard of care is met.”*

- H.B. 1821: Audio-Only Telemedicine Reimbursement – Definition of Established Relationship

“(ii) For any other health care service:

*(A) **The covered person has had, within the past two years, at least one in-person appointment, or until January 1, 2024, at least one real-time interactive appointment using both audio and video technology,** with the provider providing audio-only telemedicine or with a provider employed at the same medical group, at the same clinic, or by the same integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW as the provider providing audio-only telemedicine.”*