

Telehealth State/ Federal Updates

MAY 25, 2022

WashingtonState
Telehealth Collaborative

Oregon's Telemedicine Licensure Policy

- The new language provides a minor expansion and clarity on the care of Oregon-based patients by an out-of-state physician via telehealth.
 - See [Oregon Medical Board \(OMB\) 847-025-0020](#)

A physician or physician assistant licensed in another state may provide care via telemedicine without obtaining Oregon licensure if they have an established provider-patient relationship with a person who is in Oregon temporarily for the purpose of business, work, education, or vacation and who requires the direct medical treatment by that physician or physician assistant as provided in [ORS 677.060](#) or [ORS 677.137](#).

A physician or physician assistant licensed in another state may consult directly with another physician or physician assistant licensed in Oregon if they do not undertake the primary responsibility for diagnosing or rendering treatment to a patient located in Oregon as provided in [ORS 677.060](#) or [ORS 677.137](#).

A physician or physician assistant licensed in another state may provide temporary or intermittent follow up care via telemedicine without obtaining Oregon licensure if they have an established provider-patient relationship with a person located in Oregon. Although not specifically addressed by a statutory exemption, the Oregon Medical Board has chosen not to enforce the licensure requirement for the out of state physician or physician assistant to provide this temporary or intermittent continuity of care. The patient needs are best served by having the physician or physician assistant who knows the patient and has access to the patient's medical records provide this follow up care.

Alaska's Telemedicine Licensure Policy

- Alaska's [H.B. 265](#) passed on 5/17/2022 with the following language:

A physician licensed in another state may provide health care services through telehealth to a patient located in the state as provided in this subsection, subject to the investigative and enforcement powers of the department under [AS 08.01.087](#), and subject to disciplinary action by the State Medical Board under [AS 08.64.333](#). The privilege to practice under this subsection extends only to:

- 1. Ongoing treatment or follow-up care related to health care services previously provided by the physician to the patient and applies only if:*
 - A. The physician and the patient have an established physician-patient relationship; and*
 - B. The physician has previously conducted an in-person visit with the patient; or*
- 2. A visit regarding a suspected or diagnosed life-threatening condition for which*
 - A. The patient has been referred to the physician licensed in another state by a physician licensed in this state and that referral has been documented by the referring physician; and*
 - B. The visit involves communication with the patient regarding diagnostic or treatment plan options or analysis of test results for the life-threatening condition*

State/Federal Updates

- On April 16, the Department of Health & Human Services extended the federal COVID-19 public health emergency (PHE) an additional 90 days through 7/15/2022.
 - The current PHE was set to expire on 4/16/2022
 - Declaration of renewal [here](#) from Department of Health & Human Services
 - Article [here](#).
- The Center for Telehealth and e-Health Law (CTel) created a [50 State Public Health Emergency Survey](#), detailing which states have expired PHEs and which states have PHEs that may be expiring in the near future.
 - This survey will be updated on a weekly basis
 - Idaho expired on 4/15/2022
- The Health Care Authority has purchased a pool of Zoom licenses for use during the PHE. They have reached capacity, but providers can request to be added to the [waitlist](#).
- [H.R. 2471: The Consolidated Appropriations Act](#) extends many of the Medicare telehealth flexibilities put in place during the COVID-19 pandemic for a period following the end of the public health emergency
 - The waiver on originating sites is extended to allow the reception of telehealth services from any geographic location
 - In-person appointments are no longer required prior to a telemedicine appointment for behavioral health services
 - Medicare will cover audio-only telehealth where appropriate
- [H.R. 6202: The Telehealth Extension Act](#) lifts geographic and site restrictions to allow Medicare beneficiaries to access telehealth regardless of where they live.

State/Federal Updates

- A [new federal report](#), released by the Department of Health and Human Services' Office of Inspector General analyzed Medicare telehealth data where they saw a huge uptick in telehealth use among Medicare beneficiaries.
 - Medicare beneficiaries used telehealth services 88 times more than they had prior to COVID
- The Health Care Authority's interpreter services team and Universal Language Service have signed a new spoken language contract to provide over-the-phone and video remote interpreting services, which will go live this Spring.
 - The new services will increase healthy equity for Apple Health physicians, language access providers, and Apple Health clients.
- [H.R. 7353: The Telehealth Benefit Expansion for Workers Act](#) aims to enable employers to offer standalone telehealth programs from traditional medical health plans – classifies telehealth as an excepted benefit
 - Press release [here](#).
- [S. 3937: The Home-Based Telemental Health Care Act](#) establishes a grant program for health providers to expand telemental health services for those specifically in rural populations working in farming, forestry, and fishing industries.

State/Federal Updates

- [The Medicaid Ensuring Necessary Telehealth is Available Long-term \(MENTAL\) Health for Kids and Underserved Act](#) directs CMS to issue guidance to states on options to increase access to behavioral health services and treatment via telehealth for children and underserved communities, specifically those under Medicaid and the Children's Health Insurance Program (CHIP).
 - Press release [here](#).
 - Bill text [here](#).
- The Department of Health and Human Services will continue to include certain telehealth and telephone-only services in its risk adjustment program for qualified health plans in the plan year 2022.
 - CMS information sheet [here](#).
- Several large U.S. pharmacies have delayed or blocked prescriptions of Adderall and other stimulants from telehealth startups amid concerns about overprescribing
 - Article [here](#).
- There is a new federal program called the [Affordable Connectivity Program](#) that will offer discounted internet service to low-income households.
 - Article [here](#).