



**Subject:** Telehealth & COVID-19 Public Health Emergency: Out-of-State Licensure Waiver

**Background:** Following a national emergency declaration on March 13th, the U.S. Department of Health and Human Services (DPHHS) finalized a licensure waiver that permits physicians participating in Federal health care programs to receive payment for telemedicine services in states where they do not hold a license during the coronavirus (COVID-19) emergency. The waivers were published on March 15th, with a retroactive effective date back to March 1st. However, and importantly, before a physician can provide telemedicine services in a state where he or she does not hold a license, the physician must ensure that the state has **adopted** the federal waiver. This is explained more fully below.

It is important to recognize that this waiver is limited to payment for Federal health care programs such as Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) which means Commercial Payors will need to be contacted to determine if they will adopt the out-of-state licensure waiver as well. **Further, as noted above, State law continues to govern whether a provider is authorized to provide professional services in that state without holding an active license from that state's medical board. Many, but not all states, have adopted licensure waivers or expedited registrations in order to allow physicians to provide services via telemedicine in accordance with the federal waiver.**

**Before a provider begins furnishing telehealth services out of state, it is important to verify the scope of the applicable waivers for each state. Exercise caution to ensure the appropriate utilization of an individual state-based waiver/expedited out-of-state licensing pathway if a provider intends practice medicine via telehealth beyond those state where they hold an existing license.**

**Highlights:**

- Some states have made a full waiver of licensing requirements for out-of-state providers, including:
  - Idaho
  - Michigan
  - Wyoming (but only for established patients with established problems)
- Other States have introduced expedited licensing process, for example:
  - Arizona
  - Washington
  - Oregon
  - California
  - Nevada

- Some States only permit services only through certain agencies or circumstances, for example:
  - Florida's waiver only applies when services are provided through the American Red Cross
  - Texas's waiver is limited to hospital-to-hospital credentialing or an emergency license

**Summary:** The licensure waiver will be in effect until the national emergency declared by HHS ends. All requests to provide telehealth visits out of state should be directed to Sarah Compton who will review the request with the Telehealth Taskforce to determine the appropriate utilization of an individual state-based waiver/expedited out-of-state licensing pathway prior to conducting the telehealth visit. Additionally, if an out-of-state telehealth visit has occurred without prior review or approval by the Telehealth Taskforce, please contact Sarah Compton who will review and assist with determining the next steps.

This Latest & Greatest communication was developed to assist you with implementing and understanding the licensure waiver requirements during this national emergency. Please review and share this email with the impacted members of your team and route requests to Sara Compton who will assist with determining the appropriate utilization of an out-of-state licensure waiver. This communication will be posted to the Compliance, Telehealth, and COVID-19 Resource page on MIND.