

Telehealth Licensure for Clinical Care
High-Volume State Guide for
University of Colorado School of Medicine Employed Physician (MD/DO) Providers

Date: May 1, 2020

This guidance applies to all licensed physician providers with a current medical license in good standing in the state of Colorado.

University of Colorado School of Medicine providers desire to use telehealth services in order to continue to treat and start new treatment relationships via telehealth technologies. While we understand the importance of providing medical treatment, individual states still have specific requirements regarding when you need a state medical license to provide telehealth services. The University of Colorado Medical Malpractice Trust will provide coverage to all providers who are engaging in licensed telehealth services as a part of the course and scope of their employment at the direction of their Department Chair or designee. Please contact your Division/Department administrators if you intend to practice out of state telehealth services, and they will assist in setting up a site of practice which is required prior to providing services. You must provide the same level of care as you would to patients in a face-to-face setting, consent for telehealth modalities, keep appropriate records in Epic, and follow the state-specific requirements for providing telehealth services. Further, to bill for services, you must be credentialed/enrolled in the applicable state Medicaid plan in order to bill for a telehealth encounter. All states are waiving requirements during the declared state of emergency for each specific state, most of which are currently set to expire in mid-May. ***You are responsible for knowing when a state changes their licensing requirements and ends a declared state of emergency.***

This guide is intended as a quick reference for states vetted by CU School of Medicine, CU Medicine, and affiliate hospitals to clarify state-by-state licensure requirements for telehealth in light of the COVID-19 pandemic. ***This document does not address in-person/in-state licensure waivers which are applied differently if you are physically traveling to a state to provide emergency COVID-related care.*** Please note that this is a dynamic area that changes on a daily basis, so please consult regularly before practicing across state lines. The document will be available on the School of Medicine internal webpage and will be updated frequently to reflect any changes in current status. The document is color-coded based on the risk profile of each state.

Green: Telehealth practice can occur with no restrictions in green states.

Yellow: Proceed with caution. There are some restrictions or forms that must be completed/steps taken prior to furnishing telehealth services to patients located in yellow states.

Red: Telehealth practice not approved at this time without a state-specific license or additional malpractice coverage.

State	Established Patient	New Patient	Billing	Restrictions	Comments
Arizona	Unclear	Yes – if COVID-19 related care and you secure a temporary license to practice	<p>Yes – will allow billing for telehealth visits in accordance with CMS waivers and state Medicaid determination</p> <p>Can bill for video-audio <i>and</i> telephone only interactions</p>	<p>You must complete and submit the Temporary Emergency License application and receive confirmation of approval from the AZ medical board that you are approved to practice in AZ</p> <p>Only valid during the declared state of emergency</p>	<p>On 4/10 the Arizona Medical Board announced a temporary license process for out-of-state providers to provide care in AZ during the declared emergency</p> <p>It is not clear if this applies to telehealth services without further clarification from the AZ Medical Board</p>
Colorado	Yes	Yes	<p>Yes – telehealth visits approved for billing during state of emergency (rules for Medicaid, Medicare, private payors)</p> <p>Can bill for both video-audio interactions <i>and</i> telephone only interactions</p>	N/A	N/A
California	No	Yes – if COVID-19 related care	<p>Yes – MediCal is following the CMS billing requirement for telehealth visits</p> <p>Can bill for video-audio interactions <i>and</i> telephone interactions but there is explicit</p>	Process must be initiated by a health care facility in California; care must be related to assisting in preparing for, responding, to, mitigating the effects of, and recovering from COVID-19.	California licensure waiver is dependent on the care being (a) related to the COVID-19 emergency; (b) initiated by a CA healthcare facility;

			criteria for what qualifies as a billable visit	Only valid during the declared state of emergency.	and (c) taking place in CA (not defined). You will need a CA sponsor in order to practice in CA. Further, license waiver seems to only apply to in-person care in CA. Telehealth practice not advised without further clarity from CA medical board.
Hawaii	No	No	Billing for telehealth encounters would be business-as-usual per the Hawaii telehealth laws, rules, and regulations	Licensure waiver in the Emergency Order only applies to physicians providing services in Hawaii in response to the COVID emergency. It does not address telehealth or continuation of care.	Practice in Hawaii without a state-specific license is not allowed at this time
Idaho	Yes	Yes	Yes – telehealth visits approved for billing during state of emergency Can bill for both video-audio interactions <i>and</i> telephone interactions if services can be effectively rendered under a telephone-only modality	Providers who are in good standing in another state are able to provide services to individuals located in Idaho during the declared state of emergency.	Encouraged to notify the Idaho Medical Board if you plan on providing care in Idaho/to an individual located in Idaho
Kansas	Yes – if care is related to preparing for, responding to,	Yes – if care is related to preparing for, responding to,	Telemedicine services (including telephonic contact) can be made	Care must be for the purpose of preparing for, responding to, and/or	The Professional Risk Management Trust cannot

	or mitigating the effect of COVID-19 in Kansas <i>and</i> your department carries malpractice insurance coverage for services provided in Kansas	or mitigating the effect of COVID-19 in Kansas <i>and</i> your department carries malpractice insurance coverage for services provided in Kansas	when there is verbal consent received from the patient (to be followed up by written approval) in the medical record. Tele-video communication can only be utilized if that contact is HIPAA compliant.	mitigating any effect of COVID-19. Providers must complete the Kansas Practice of Telemedicine form for the COVID-19 Pandemic	provide medical malpractice coverage for services taking place in Kansas. Your department must carry this coverage separately. Services cannot be furnished until you secure malpractice coverage and fill out the required form.
Missouri	Yes	Yes	Yes – MHD is allowing for billing for telehealth services. Provider does not need a MO license to bill MO Medicaid but needs a license in the state in which they practice. Can bill for both video-audio interactions <i>and</i> telephone only interactions	During the declared state of emergency in Missouri, physicians and surgeons licensed in another state can provide care to Missouri citizens using telehealth options, as long as they are actively licensed in another state and their license has not been disciplined. Valid only during the declared state of emergency	Applicants should request a verification of licensure be sent the MO Board of Healing Arts from each state in which the applicant holds licensure. Under Executive Order 20-04, the general requirement that health care providers be licensed in the State of Missouri in order to provide care via telehealth in this state has been waived.

Montana	Yes – Licensees providing client services or patient care from out of state to persons located in Montana must either hold a Montana license or register through the Emergency Interstate Registration	Yes - Licensees providing client services or patient care from out of state to persons located in Montana must either hold a Montana license or register through the Emergency Interstate Registration	Yes - MT Medicaid has released guidance on billing MT Medicaid for telehealth services by qualified providers. Can bill for video-audio interactions <i>and</i> telephone-only interactions	Licensed professionals from out of state can register in Montana to work for a defined period of time. The Emergency Temporary License must be completed and approved.	Providers who wish to use telehealth for individuals located in MT must obtain some type of MT state license (temporary or full) prior to furnishing telehealth services.
Nebraska	Yes – if providing care in Nebraska to support/supplement in-state providers during the declared state of emergency	Yes - if providing care in Nebraska to support/supplement in-state providers during the declared state of emergency	Yes – NE Medicaid will allow for relaxed telehealth billing but only for certain categories of beneficiaries Can bill for video-audio interactions <i>and</i> telephone-only interactions	MDs who are actively licensed in a U.S. state or territory other than Nebraska, who are being <i>allowed to practice in Nebraska</i> without a Nebraska license can provide telehealth services. The license in the other state must be active, in good standing and free from disciplinary action.	License holders may provide telehealth services to patients located in Nebraska if they are authorized to work in Nebraska during the declared state of emergency. Guidance suggest the provider must also be located in Nebraska. Providers must comply with Nebraska Telehealth Guidelines
New Mexico	No	No	Yes - Health care providers who consult with patients via telephone or computer video must be paid the same rate as if they'd seen the patient in person	Licensure is required for all practitioners caring for patients in New Mexico during the pandemic emergency. The NMMB already has a telemedicine application processes in place that is simplified and	A full telemedicine license must be granted by the state in order to provide and bill for telehealth services in New Mexico.

			Can bill for video-audio interactions <i>and</i> telephone-only interactions	quickly processed. The NMMB encourages applicants to access this licensure type if the focus of the medical practice will remain telemedicine in nature.	New Mexico is issuing temporary licenses valid until July 1, 2020. It is the same cost and information required for the telemedicine license which is not temporary in nature.
New York	Yes	Yes	<p>Yes – All services within a provider's scope of practice can be provided telephonically when clinically appropriate.</p> <p>New York State Medicaid will reimburse telephonic assessment, monitoring, and evaluation and management services provided to members in cases where face-to-face visits may not be recommended and it is appropriate for the member to be evaluated and managed by telephone.</p>	<p>During the declared state of emergency, out-of-state licensed providers do not need to hold a NY license or registration to practice in the state of NY.</p> <p>Executive Order #202.5 specifically allows out-of-state physicians licensed and currently in good standing in any state to practice in New York without civil or criminal penalty related to lack of licensure.</p>	While not explicit to telehealth, most interpretations (including from AAMC) state that this waiver applies broadly to include delivery of telehealth services to NY residents during the state of emergency.
North Dakota	Unclear – for North Dakota citizens impacted by COVID-19	Yes – for North Dakota citizens impacted by COVID-19	Yes – ND Medicaid allows for billing so long as the billing meets minimum requirements	License waiver only applicable if providing services to ND citizens impacted by COVID-19	ND has an identification and credential verification process that must be completed prior to

			Can bill for video-audio interactions <i>and</i> telephone-only interactions	Interested health care professionals must complete the online application which includes proof of identity, proof of licensure and a letter of good standing in another state. Once submitted, the application will be reviewed for temporary approval to practice.	furnishing telehealth services to COVID-19 impacted ND residents
Oklahoma	No	Yes – if emergency medical treatment or critical medical services for COVID-19 related care under an approved temporary license	Yes - the use of telephonic services (non face-to-face) may be utilized in instances when the Medicaid beneficiary does not have access to telehealth equipment, the service is necessary to the health and safety of the member, and the service can safely and effectively be provided over the telephone.	Practice under the temporary license is limited to providing emergency or critical medical services to Oklahomans in need during the Health Emergency due to COVID-19 The license application can be accessed here	The OK Attorney General has stated the following: On the most basic level, physicians must still be licensed to practice in Oklahoma. The temporary license application language suggests services under the license are to be furnished at an Oklahoma facility.
South Dakota	No	Yes - if COVID-19 related care	Yes – telehealth visits approved for billing during state of emergency (rules for Medicaid, Medicare, private payors) Can bill for video-audio interactions <i>and</i> telephone interactions but there is explicit	This is specific to meeting patient demand/needs during the COVID-19 emergency. Executive Order suggests process must be initiated by a facility located in South Dakota that requires additional providers to meet patient demand.	Telehealth practice without a state license limited to COVID-19 situation. If you are not contacted by a South Dakota facility to treat COVID-19 patients

			<p>criteria for what qualifies as a billable visit for phone-only contact:</p> <p>(a) The provider or recipient is at high risk for COVID-19 or under quarantine or social distancing during a declared emergency for COVID-19; and (b) The recipient does not have access to face-to-face audio/visual telemedicine technology (including smart phone, tablet, computer, or WIFI/internet access.</p>		<p>under the authority of the Executive Order, you will need a license.</p>
Texas	No	Yes – as a part of disaster relief efforts	<p>Yes – must be patient initiated in order to qualify as a billable telemedicine visit. Will allow this modality to establish a physician-patient relationship. Patient must provide oral or written consent to telehealth. To bill, the services must be those that would be billable during an in-person encounter.</p>	<p>You must have a TX physician sponsor fill out the Emergency Visiting Practitioner Temporary Permit and have a TX sponsor supervise your telehealth practice</p> <p>The temporary license is only valid for 30 days from date of issue or until the declared emergency is over, whichever is longer.</p>	<p>You will need either an emergency temporary license or a full license to provide telehealth services to a patient located in Texas</p>
Utah	No	Yes – if COVID-19 related care	N/A	<p>The temporary emergency license is available for providers in good standing who come to Utah to</p>	<p>The temporary emergency license application is only applicable to</p>

				<p>provide services, not for continuation of care purposes</p> <p>It is not clear at this time if the UT licensing board will grant a temporary emergency license for out-of-state telehealth practice.</p> <p><u>Current state law</u> allows physicians licensed in good standing in other states to furnish services to Utah residents if they have at least 10 years of professional experience; services are a public service and for non-commercial; you do not bill and/or receive compensation for services; and you do not engage in unprofessional conduct.</p>	<p>providing services in Utah in furtherance of the emergency. It is not clear if applicable to telehealth at this time.</p> <p>You will need a temporary license or a full license to practice telehealth in Utah if you want to bill for those services.</p>
Wyoming	Yes	No	<p>Yes - Any services that are clinically appropriate may be billed via Telehealth per Wyoming Medicaid rules</p> <p>Can bill for video-audio encounters</p>	<p>Care must be a continuation of treatment with an already established patient. Must have established relationship within the past 3 years</p>	<p>Pay close attention to the continuation of care requirements</p>