



Act 21: Facilitation of Interstate Practice Using Telehealth Working Group

JUNE 29, 2021

AGENDA

TIME	AGENDA
10:00	Welcome and Introductions
10:30	Working Group Organization Meetings Powers and Duties
11:00	Interstate Telehealth Practice: Then, Now, and Next
11:30	Areas of Interest
11:45	Key Questions and Action Items

Welcome!

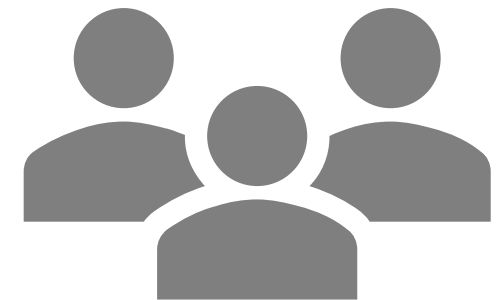
- Lauren Hibbert, Chair, Director of the Office of Professional Regulation
- OPR Staff:
 - Agatha Kessler, Assistant Director (agatha.kessler@vermont.gov)
 - Lauren Layman, Staff Attorney (lauren.layman@vermont.gov)
 - Jennifer Rotblatt, Administrative Services (Jennifer.Rotblatt@vermont.gov)
- Facilitation of Interstate Practice Using Telehealth Working Group AKA Interstate Telehealth Work Group AKA ITWG
- Membership specified by statute, including anyone interested
- Introductions

Membership

- 1) Director of the Office of Professional Regulation
- 2) Representatives of the health care professions associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director
- 3) Executive Director of the Board of Medical Practice
- 4) Representatives of the health care professions licensed by the Board of Medical Practice, selected by the Commissioner of Health
- 5) Commissioner of Mental Health or designee
- 6) Representatives of health care professional organizations
- 7) Representatives of health insurers
- 8) Other interested stakeholders

Meetings and Organization

1. Chair: Office of Professional Regulation Director, Lauren Hibbert
2. Resources: Administrative, technical, and legal assistance provided by OPR
3. Meetings:
 - Twice per month for 2 hours with subgroups as needed
 - Remote meetings
 - Please mute
 - Raise hand feature
 - If camera is on, professional background
 - Minutes
 - Report due to the General Assembly on **December 15, 2021**
4. ITWG Website



Office of Professional Regulation

Statutes, Rules & Rulemaking | Regulatory Review | Telehealth Taskforce | Legislative Reports | Reducing Barriers | Prescription Monitoring

ENHANCED BY Google



OPR > Regulatory > Telehealth Taskforce

Also in this section

[Online Services](#)

[List of Professions](#)

[Statutes, Rules & Rulemaking](#)

[Regulatory Review](#)

[Legislative Reports](#)

[Reducing Barriers](#)

[Prescription Monitoring](#)

Telehealth Taskforce

The Telehealth Working Group was created by Act 21 of 2021 to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities. The Working Group's report is due to the General Assembly by December 15, 2021.

- [Legislation \(Act 21 of 2021\)](#)
- Contact Information: SOS.OPR.Comments@vermont.gov

No. 21. An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth.

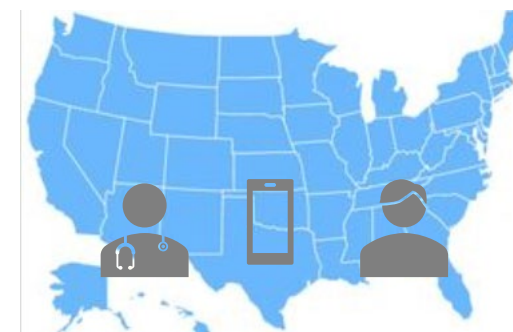
(H.104)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FACILITATION OF INTERSTATE PRACTICE USING

TELEHEALTH WORKING GROUP; REPORT

(a) Creation. There is created the Facilitation of Interstate Practice Using Telehealth Working Group to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities.



Act 21

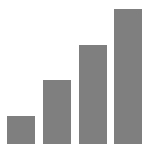
(H.104) an act relating to the considerations in facilitating the interstate practice of health care professionals using telehealth.

REPORT

(Due December 15th)

Compile and evaluate methods for facilitating the interstate practice of health care professionals using telehealth modalities, including through:

1. Creation of telehealth licenses
2. Waiver of licensure
3. National licensure compacts, and
4. Regional reciprocity agreements



Considerations

Impacts and ethical considerations related to patient care and continuity of care

Preexisting patient relationships limitations

Impacts on State regulatory oversight and enforcement, including the fiscal and prescribing impacts

Differences between the various states and U.S. territories in scopes of practice, qualifications, regulation, and enforcement

Different policy options for facilitating interstate practice, including the potential for reciprocity with health care professionals licensed in Vermont

Whether to explore the international practice of health care professionals using telehealth

Interstate Telehealth Practice Regulation

Pre-COVID

- 18 V.S.A. Section 9361
- 8 V.S.A. Section 4100k

COVID-Response

- Act 6 2021
- 8 V.S.A. Sec. 4100l and 18 V.S.A. Sec. 9362

Moving Forward

- Telehealth Working Group Recommendations

	Pre-COVID-19	COVID-19 Response
	18 V.S.A. Section 9361 and 8 V.S.A Section 4100k	Act 6 2021 and 8 V.S.A. Sec. 4100l and 18 V.S.A. Sec. 9362
Providers	<ul style="list-style-type: none"> Licensed in Vermont Prescribe, dispense, or administer drugs or medical supplies, or otherwise provide treatment recommendations Appropriate examination: in person, through telemedicine, or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically Standard of appropriate practice same as those in traditional provider-patient settings 	<p><i>“...a health care professional, including a mental health professional...shall be deemed to be licensed, certified, or registered to provide health care services, including mental health services, to a patient located in Vermont using telehealth...”</i></p> <ul style="list-style-type: none"> Must be licensed, in good-standing in another U.S. jurisdiction No need to register with BMP or OPR Subject to imputed jurisdiction of BMP or OPR Through March 31, 2022
Informed Consent	<ul style="list-style-type: none"> Written, part of medical record, etc. Exceptions (e.g., medical emergency) 	<ul style="list-style-type: none"> Obtaining and documenting informed consent waived until 60 days after the end of the State of Emergency (8/14/2021)
Privacy (HIPPA)	<ul style="list-style-type: none"> HIPPA-compliant connection required 	<ul style="list-style-type: none"> HIPAA-compliant connection waived until March 31, 2022
Reimbursement	<ul style="list-style-type: none"> Equivalent coverage of services; no coverage for audio-only care 	<p>Audio Only Telehealth- 8 V.S.A. Sec. 4100l and 18 V.S.A. Sec. 9362: Insurance coverage required telephone to the same extent (incl. cost sharing) as in-person consultation (telehealth already covered under 8 V.S.A. Sec. 4100k</p> <ul style="list-style-type: none"> Permits DFR to set rates for 2022, 2023, and 2024 Study on codes and modifiers to be done by 7/1/21 and adopted by insurers by 1/1/22 Audio-only is permitted No existing relationship required for coverage Elected by patient; clinically appropriate; informed consent required (similar to telehealth) Provider complies with training requirements imposed by professional board Recording prohibited

Existing Challenges for Interstate Practice

Regulation

- Differing scopes of practice
- Jurisdiction over provider and patient
- Privacy
- Reciprocity



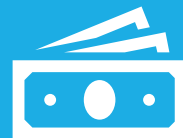
Practice

- Quality of care
- Patient safety
- Crisis care
- Continuity and integration of care
- Prescribing
- Informed consent and exceptions
- Medical record



Reimbursement

- Networks
- Benefit coverage
- Regulatory authority (insurance)
- Act 6 DFR studies



Other

- Technology
- Recording
- Synchronicity



Interstate Telehealth Practice Benefits

Access, access, access!

- Mobility (vacations, students, etc.)
- Specialized health care needs
- Border providers
- Availability

Workforce support

- Attract new providers to Vermont
- Relieve stress of increased patient need

Convenience

Conservation of resources

Demand

Patient Choice



Working Group Areas of Interest (Survey Results)

High Interest

- Quality of care
- Access to care
- Regulatory options for interstate practice (e.g. compacts, reciprocity, telehealth waivers)
- Continuity of care
- Patient safety

Moderate Interest

- Payment for services
- Mental health practice
- Variations in scopes of practice
- Technology (access, development, standards, cost, etc.)
- Privacy protections

Slight Interest

- Enforcement against and oversight of out-of-state providers
- Medical records

Identifying Action Items and Next Steps

- Key questions
 - Is it desirable to facilitate interstate practice of health care using telehealth?
 - What benefits do we hope to achieve from permitting such practice?
 - What challenges do we need to overcome?
 - What methods do we recommend for facilitating interstate telehealth practice?
 - What are some of the benefits and challenges with each of those methods?
- Action items for next meeting
 - What data do we need to bring back to this group?
 - What sub-groups will we need (e.g., by profession or practice type, topic specific, etc.)?
 - What experts would it be helpful to hear from?
 - Other?



Next Meeting

- Preferred day and time