

Trending in Telehealth: April 11 – 17, 2023

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Trending in Telehealth is a series from the McDermott digital health team in which we highlight state legislative and regulatory developments that impact healthcare providers, telehealth and digital health companies, pharmacists and technology companies that deliver and facilitate virtual care.

Trending in the past week:

- Interstate Compacts
- Telehealth Coverage and Reimbursement
- Informed Consent Standards

A CLOSER LOOK

Finalized Legislation & Rulemaking

- In **North Dakota**, [HB 1095](#) was enacted. The legislation requires health carriers to, in part, provide coverage for licensed pharmacists to provide comprehensive medication management, which may be provided via telehealth. **North Dakota** also enacted [HB 1530](#), which requires that Medicaid cover asynchronous teledentistry.
- **Florida** enacted [SB 300](#). The legislation prohibits physicians from using telehealth to provide abortions or prescribe abortion-inducing medication. It also requires the physical in-person presence of a physician with a patient when an abortion is performed or when abortion-inducing medication is dispensed.

Legislation & Rulemaking Activity in Proposal Phase

Highlights:

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- The **Indiana** Senate signed legislation ([SB 73](#)) to enact the Occupational Therapy Compact. Meanwhile, **Iowa** introduced legislation ([HF 671](#)) to join the Professional Counselors Licensure Compact.
 - The **Hawaii** Senate progressed legislation ([HB 907](#)) passed earlier by the Hawaii House of Representatives, with some revisions. The bill provides that telehealth services provided by way of an interactive telecommunications system, including two-way, audio-only communication, must be reimbursed at the same rate as equivalent in-person services, except for mental health services, which would be reimbursed at 80% of the in-person rate. The versions of the bill must now be reconciled.
 - **Texas** introduced legislation ([HB 1771](#)) that would require each regulatory agency with authority over professionals providing telemedicine, teledentistry, or telehealth, to adopt rules necessary to standardize formats and retention of records related to a patient's consent to treatment, data collection and data sharing. Such rules would also need to include provisions for consent documentation applicable to audio-only interactions.
 - **New Hampshire** progressed [SB 238](#) to a public hearing. If enacted, the bill would create an exception for the treatment of substance use disorder or mental health conditions in the prohibition against prescribing controlled substances other than methadone via telemedicine. "Mental health conditions" is not defined.
 - **Montana** proposed legislation ([HB 676](#)) that enumerates fundamental parental rights with respect to children, including over a child's medical care, and requires a health professional to verify the identity of a parent who has given consent through telemedicine at the site where the consent is given.

Why it matters:

- **Elevated activity involving the adoption of interstate compacts continues.** Many states are progressing legislation that would enact various licensure compacts across healthcare professions, easing burdens to licensure and reciprocity for professionals seeking to practice across state lines.
- **States continue to address reimbursement and coverage of telehealth modalities.** We continue to see states enact and progress legislation that increases the coverage of telehealth modalities and ancillary services for patients, such as medication management benefits.
- **Telehealth informed consent and recordkeeping practices continue to be evaluated.** This week, we saw several states introduce legislation that, if enacted, would clarify standards for obtaining informed consent via telemedicine and recordkeeping standards for providers.

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