

Trending in Telehealth: June 20 – 25, 2023

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

Trending in the past week:

- Medicaid reimbursement
- Medical marijuana
- Mental health
- Reproductive health

A CLOSER LOOK

Finalized Legislation & Rulemaking

- **Florida** enacted [H 387](#), permitting qualified physicians to perform telehealth physical patient examinations before issuing subsequent physician certifications for the medical use of marijuana, as long as the patient examination for the initial certification was conducted in person.
- **Hawaii** enacted [HB 907](#), which conforms the state's law regarding telehealth to the Medicare standards by clarifying that telehealth services provided by way of an interactive telecommunications system will be reimbursed by Medicaid.
- **Louisiana** passed a [final rule](#) to adopt provisions in the Professional Services Program to continue to provide Medicaid reimbursement for physician-directed treatment-in-place

ambulance services after the COVID-19 public health emergency ended on May 11, 2023. Reimbursement to the ambulance providers for initiation and facilitation of the physician-directed treatment-in-place telehealth service requires a corresponding treatment-in-place telehealth service. The corresponding treatment-in-place telehealth service is demonstrated via a Louisiana Medicaid paid treatment-in-place telehealth service claim.

- **New Hampshire** enacted [SB 264](#), which defines a mental health consultation during a surrogacy process to include a telehealth meeting.
- **New York** enacted [S 6749](#), creating a community-based paramedicine demonstration program that would permit emergency medical service personnel to provide community paramedicine and use alternative destinations, telemedicine to facilitate treatment.
- **New York** enacted [SB 1066](#), expanding protections for persons who perform legally protected reproductive health activity under state law to include protections for reproductive health services provided in person or by means of telehealth.
- **Ohio** passed a [final rule](#) to amend the Ohio Vision Professionals Board rules to define telehealth-related terms and clarify the standard of care for telehealth services, patient consent requirements, doctor-patient relationship requirements and prescribing requirements.
- **Rhode Island** enacted [SB 565](#), which establishes telepractice standards for speech language pathologists and audiologists and adopts and incorporates the American Speech-Language-Hearing Association's Code of Ethics.

Legislation & Rulemaking Activity in Proposal Phase

Highlights:

- **Maine** progressed [LD 231](#) in the second chamber to establish a statewide child psychiatry telehealth consultation service to support primary care physicians who are treating children and adolescent patients and need assistance with diagnosis, care coordination, medication management and any other necessary behavioral health questions.
- **Maine** progressed [LD 717](#) in the second chamber, establishing the Audiology and Speech-Language Pathology Interstate Compact.
- **West Virginia** issued a [proposed rule](#) to establish procedures for the practice of telehealth by a licensed dietitian, including requirements for the patient-provider relationship.

Why it matters:

- **States continue to progress and pass legislation establishing telehealth processes for medical marijuana dispensing and certification.** We continue to see states such as Florida expand parameters concerning medical marijuana certification and dispensing, indicating an increase in regulatory guidance around the use and dispensing of medical marijuana.
- **States amend professional board rules and Medicaid rules to include requirements for**

telehealth services and reimbursement for telehealth services. We continue to see a number of states, including Hawaii, Louisiana, Ohio and Rhode Island, pass laws incorporating telehealth provisions within their professions codes and permitting Medicaid reimbursement for telehealth services.

- **States continue to progress and pass legislation expanding the use of telehealth and telemedicine for mental health.**

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National Law Review, Volume XIII, Number 181

Source URL: <https://natlawreview.com/article/trending-telehealth-june-20-25-2023>