

## Trending in Telehealth: September 30 – October 7, 2024

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*Trending in Telehealth* highlights 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:

- Professional standards
- Teledentistry
- Occupational therapy

## A CLOSER LOOK

### Proposed Rulemaking:

- The **Florida Nursing Board** [proposed](#) a set of guidelines that the board must follow when imposing disciplinary penalties upon telehealth registrants. The penalties include reprimand, suspension with a corrective action plan, and revocation of the individual's license.
- **New York** [proposed](#) a rule to update its regulations for personal recovery-oriented services to align with telehealth guidance. The rule would mandate that individuals receiving intensive rehabilitation services be seen at least once in-person or through audio-visual telehealth during the calendar month.

### Finalized Rulemaking:

- **Mississippi** enacted a [final rule](#) that defines the Department of Mental Health's certification requirements for community service providers. For all individuals reviewing mental health services and/or substance use services, the initial assessment and subsequent assessments may be provided either in-person or via telehealth.
- **Ohio** adopted a [final rule](#) permitting occupational therapists to provide telehealth services. A provider may use synchronous or asynchronous technology during the initial patient visit. A provider also may deny a patient telehealth services and require the patient to undergo an in-person visit if care is continued with that provider.

- **Maine** enacted a [final rule](#) permitting dentists to deliver diagnostic services via telehealth in accordance with the MaineCare Benefits Manual and current rules and guidance. The rule states that when delivering services via telehealth, dentists should bill for the underlying service and include the appropriate teledentistry CDT code that indicates a synchronous real-time encounter or an asynchronous encounter in which information is stored and forwarded to the dentist for subsequent review.

*Why it matters:*

- **States continue to expand access to telehealth services.** Maine expanded access to teledentistry services, while Ohio expanded access to occupational therapy services and clarified the corresponding reimbursement methodology.
- **Legislation continues to slow as we approach the election, and many states have concluded the year's legislative sessions.** As mentioned in last week's update, legislative activity has slowed, including legislation related to telehealth. Many legislators prefer to maintain the status quo until after elections, and legislative sessions in several states, such as California, have already concluded.

Telehealth is an important development in care delivery, but the regulatory patchwork is complicated.

***Lauren Ellison also contributed to this article.***

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