

# SENATE BILL REPORT

## SB 5423

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As Reported by Senate Committee On:  
Health & Long Term Care, February 10, 2021

**Title:** An act relating to telemedicine consultations.

**Brief Description:** Concerning telemedicine consultations.

**Sponsors:** Senators Rivers, Cleveland and Holy.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 2/08/21, 2/10/21 [DPS].

**Brief Summary of First Substitute Bill**

- Allows a licensed out-of-state practitioner to consult through telemedicine with a practitioner licensed in Washington State regarding the diagnosis or treatment of a patient within Washington State.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson and Van De Wege.

**Staff:** Ricci Crinzi (786-7253)

**Background:** Under Washington law, a practitioner who undertakes to diagnose, cure, advise, or prescribe for a person located in Washington must be licensed to practice medicine in Washington, unless the practitioner falls under a statutory exemption. Washington State statutory exemptions allows practitioners licensed by another state to practice medicine in Washington State as long as the practitioner does not open an office or appoint a place for meeting patients or receiving calls in Washington State. The

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Washington Medical Commission interprets this exemption as allowing the use of telemedicine technology to facilitate continuity of care to established patients who cross state borders, and to permit peer-to-peer consultations.

**Summary of Bill (First Substitute):** A licensed out-of-state practitioner, including osteopathic physicians, may consult through telemedicine with a practitioner licensed in Washington State regarding the diagnosis or treatment of a patient within Washington State.

**EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):**

- Allows osteopathic physicians licensed in another state to consult through telemedicine with a practitioner licensed in Washington State regarding the diagnosis and treatment of a patient in Washington State.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill will clarify the law surrounding out-of-state physician consultations in Washington State. An out-of-state physician cannot provide a consultation in Washington State unless the out-of-state physician is licensed in Washington State. This licensure requirement limits the ability for patients within Washington to be seen by an out-of-state specialist and requires patients to travel out-of-state to see a specialist. The Washington State Medical Commission supports this bill because this bill clarifies a current statutory exemption. The Washington State Medical Commission stated that they often receive inquiries asking if out-of-state physician can consult within Washington State and if this bill is passed, then there would be clear statutory authority to allow out-of-state physicians to consult with a licensed Washington State physician.

OTHER: The Washington Medical Association supports this bill, but would like to request osteopathic, as well as other providers, be included in the consultation exemption.

**Persons Testifying:** PRO: Senator Ann Rivers, Prime Sponsor; Stephanie Mason, Washington Medical Commission; Claudia Tucker, Teladoc Health, Inc.; Michael Farrell, Washington Medical Commission.

OTHER: Jeb Shepard, Washington State Medical Association.

**Persons Signed In To Testify But Not Testifying:** No one.