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**SUBSTITUTE SENATE BILL 5481**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Cleveland and Pedersen; by request of Uniform Law Commission)

READ FIRST TIME 02/17/23.

1 AN ACT Relating to the uniform law commission's uniform  
2 telehealth act; amending RCW 28B.20.830; adding a new chapter to  
3 Title 18 RCW; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and  
6 cited as the uniform telehealth act.

7 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
8 section apply throughout this chapter unless the context clearly  
9 requires otherwise.

10 (1) "Disciplining authority" means an entity to which a state has  
11 granted the authority to license, certify, or discipline individuals  
12 who provide health care.

13 (2) "Electronic" means relating to technology having electrical,  
14 digital, magnetic, wireless, optical, electromagnetic, or similar  
15 capabilities.

16 (3) "Health care" means care, treatment, or a service or  
17 procedure, to maintain, monitor, diagnose, or otherwise affect an  
18 individual's physical or behavioral health, injury, or condition.

19 (4) "Health care practitioner" means:

20 (a) A physician licensed under chapter 18.71 RCW;

- 1 (b) An osteopathic physician or surgeon licensed under chapter  
2 18.57 RCW;
- 3 (c) A podiatric physician and surgeon licensed under chapter  
4 18.22 RCW;
- 5 (d) An advanced registered nurse practitioner licensed under  
6 chapter 18.79 RCW;
- 7 (e) A naturopath licensed under chapter 18.36A RCW;
- 8 (f) A physician assistant licensed under chapter 18.71A RCW; or
- 9 (g) A person who is otherwise authorized to practice a profession  
10 regulated under the authority of RCW 18.130.040 to provide health  
11 care in this state.
- 12 (5) "Professional practice standard" includes:
- 13 (a) A standard of care;
- 14 (b) A standard of professional ethics; and
- 15 (c) A practice requirement imposed by a disciplining authority.
- 16 (6) "Scope of practice" means the extent of a health care  
17 practitioner's authority to provide health care.
- 18 (7) "State" means a state of the United States, the District of  
19 Columbia, Puerto Rico, the United States Virgin Islands, or any other  
20 territory or possession subject to the jurisdiction of the United  
21 States. The term includes a federally recognized Indian tribe.
- 22 (8) "Store and forward technology" means use of an asynchronous  
23 transmission of a covered person's medical information from an  
24 originating site to the health care provider at a distant site which  
25 results in medical diagnosis and management of the covered person.
- 26 (9) "Telecommunication technology" means technology that supports  
27 communication through electronic means. The term is not limited to  
28 regulated technology or technology associated with a regulated  
29 industry.
- 30 (10) "Telemedicine" means the delivery of health care services  
31 through the use of interactive audio and video technology, permitting  
32 real-time communication between the patient at the originating site  
33 and the provider, for the purpose of diagnosis, consultation, or  
34 treatment.
- 35 (11) "Telemedicine services" means health care provided through  
36 telemedicine or store and forward technology.

37 NEW SECTION. **Sec. 3.** SCOPE. (1) This chapter applies to the  
38 provision of telemedicine services to a patient located in this  
39 state.

1 (2) This chapter does not apply to the provision of telemedicine  
2 services to a patient located outside this state.

3 NEW SECTION. **Sec. 4.** TELEMEDICINE AUTHORIZATION. (1) A health  
4 care practitioner may provide telemedicine services to a patient  
5 located in this state if the services are consistent with the health  
6 care practitioner's scope of practice in this state, applicable  
7 professional practice standards in this state, and requirements and  
8 limitations of federal law and law of this state.

9 (2) This chapter does not authorize provision of health care  
10 otherwise regulated by federal law or law of this state, unless the  
11 provision of health care complies with the requirements, limitations,  
12 and prohibitions of the federal law or law of this state.

13 NEW SECTION. **Sec. 5.** PROFESSIONAL PRACTICE STANDARD. A health  
14 care practitioner who provides telemedicine services to a patient  
15 located in this state shall provide the services in compliance with  
16 the professional practice standards applicable to a health care  
17 practitioner who provides comparable in-person health care in this  
18 state. Professional practice standards and law applicable to the  
19 provision of health care in this state, including standards and law  
20 relating to prescribing medication or treatment, identity  
21 verification, documentation, informed consent, confidentiality,  
22 privacy, and security, apply to the provision of telemedicine  
23 services in this state.

24 NEW SECTION. **Sec. 6.** OUT-OF-STATE HEALTH CARE PRACTITIONER. An  
25 out-of-state health care practitioner may provide telemedicine  
26 services to a patient located in this state if the out-of-state  
27 health care practitioner:

28 (1) Holds a current license or certification required to provide  
29 health care in this state or is otherwise authorized to provide  
30 health care in this state, including through a multistate compact of  
31 which this state is a member; or

32 (2) Provides the telemedicine services:

33 (a) In consultation with a health care practitioner who has a  
34 practitioner-patient relationship with the patient; or

35 (b) In the form of a specialty assessment, diagnosis, or  
36 recommendation for treatment.

1        NEW SECTION.    **Sec. 7.**    LOCATION OF CARE—VENUE. (1) The provision  
2 of a telemedicine service under this chapter occurs at the patient's  
3 location at the time the service is provided.

4        (2) In a civil action arising out of a health care practitioner's  
5 provision of a telemedicine service to a patient under this chapter,  
6 brought by the patient or the patient's personal representative,  
7 conservator, guardian, or a person entitled to bring a claim under  
8 the state's wrongful death statute, venue is proper in the patient's  
9 county of residence in this state or in another county authorized by  
10 law.

11        NEW SECTION.        **Sec. 8.**        RULE-MAKING AUTHORITY. Disciplining  
12 authorities may adopt rules to administer, enforce, implement, or  
13 interpret this chapter.

14        NEW SECTION.        **Sec. 9.**        UNIFORMITY OF APPLICATION AND  
15 CONSTRUCTION. In applying and construing this chapter, a court shall  
16 consider the promotion of uniformity of the law among jurisdictions  
17 that enact the uniform telehealth act.

18        **Sec. 10.**    RCW 28B.20.830 and 2021 c 157 s 9 are each amended to  
19 read as follows:

20        (1) The collaborative for the advancement of telemedicine is  
21 created to enhance the understanding and use of health services  
22 provided through telemedicine and other similar models in Washington  
23 state. The collaborative shall be hosted by the University of  
24 Washington telehealth services and shall be comprised of one member  
25 from each of the two largest caucuses of the senate and the house of  
26 representatives, and representatives from the academic community,  
27 hospitals, clinics, and health care providers in primary care and  
28 specialty practices, carriers, and other interested parties.

29        (2) By July 1, 2016, the collaborative shall be convened. The  
30 collaborative shall develop recommendations on improving  
31 reimbursement and access to services, including originating site  
32 restrictions, provider to provider consultative models, and  
33 technologies and models of care not currently reimbursed; identify  
34 the existence of telemedicine best practices, guidelines, billing  
35 requirements, and fraud prevention developed by recognized medical  
36 and telemedicine organizations; and explore other priorities  
37 identified by members of the collaborative. After review of existing

1 resources, the collaborative shall explore and make recommendations  
2 on whether to create a technical assistance center to support  
3 providers in implementing or expanding services delivered through  
4 telemedicine technologies.

5 (3) The collaborative must submit an initial progress report by  
6 December 1, 2016, with follow-up policy reports including  
7 recommendations by December 1, 2017, December 1, 2018, and December  
8 1, 2021. The reports shall be shared with the relevant professional  
9 associations, governing boards or commissions, and the health care  
10 committees of the legislature.

11 (4) The collaborative shall study store and forward technology,  
12 with a focus on:

13 (a) Utilization;

14 (b) Whether store and forward technology should be paid for at  
15 parity with in-person services;

16 (c) The potential for store and forward technology to improve  
17 rural health outcomes in Washington state; and

18 (d) Ocular services.

19 (5) The meetings of the board shall be open public meetings, with  
20 meeting summaries available on a web page.

21 (6) The collaborative must study the need for an established  
22 patient/provider relationship before providing audio-only  
23 telemedicine, including considering what types of services may be  
24 provided without an established relationship. By December 1, 2021,  
25 the collaborative must submit a report to the legislature on its  
26 recommendations regarding the need for an established relationship  
27 for audio-only telemedicine.

28 (7) The collaborative must review the proposal authored by the  
29 uniform law commission for the state to implement a process for out-  
30 of-state health care providers to register with the disciplinary  
31 authority regulating their profession in this state allowing that  
32 provider to provide services through telemedicine or store and  
33 forward technology to persons located in this state. By December 1,  
34 2023, the collaborative must submit a report to the legislature on  
35 its recommendations regarding the proposal.

36 (8) The future of the collaborative shall be reviewed by the  
37 legislature with consideration of ongoing technical assistance needs  
38 and opportunities. ((The collaborative terminates December 31,  
39 2023.))

40 (9) This section expires July 1, 2025.

1        NEW SECTION.    **Sec. 11.**    SEVERABILITY. If any provision of this  
2 act or its application to any person or circumstance is held invalid,  
3 the remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 12.**    Sections 1 through 9 of this act  
6 constitute a new chapter in Title 18 RCW.

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