

**SSB 5481 - S AMD 486**  
By Senator Cleveland

**ADOPTED 01/24/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and  
4 cited as the uniform telehealth act.

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

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

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

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

17 (4) "Health care practitioner" means:

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

19 (b) An osteopathic physician or surgeon licensed under chapter  
20 18.57 RCW;

21 (c) A podiatric physician and surgeon licensed under chapter  
22 18.22 RCW;

23 (d) An advanced registered nurse practitioner licensed under  
24 chapter 18.79 RCW;

25 (e) A naturopath licensed under chapter 18.36A RCW;

26 (f) A physician assistant licensed under chapter 18.71A RCW; or

27 (g) A person who is otherwise authorized to practice a profession  
28 regulated under the authority of RCW 18.130.040 to provide health  
29 care in this state.

30 (5) "Professional practice standard" includes:

31 (a) A standard of care;

1 (b) A standard of professional ethics; and

2 (c) A practice requirement imposed by a disciplining authority.

3 (6) "Scope of practice" means the extent of a health care  
4 practitioner's authority to provide health care.

5 (7) "State" means a state of the United States, the District of  
6 Columbia, Puerto Rico, the United States Virgin Islands, or any other  
7 territory or possession subject to the jurisdiction of the United  
8 States. The term includes a federally recognized Indian tribe.

9 (8) "Telecommunication technology" means technology that supports  
10 communication through electronic means. The term is not limited to  
11 regulated technology or technology associated with a regulated  
12 industry.

13 (9) "Telehealth" includes telemedicine and means the use of  
14 synchronous or asynchronous telecommunication technology by a  
15 practitioner to provide health care to a patient at a different  
16 physical location than the practitioner.

17 (10) "Telehealth services" means health care provided through  
18 telehealth.

19 NEW SECTION. **Sec. 3.** SCOPE. (1) This chapter applies to the  
20 provision of telehealth services to a patient located in this state.

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

23 NEW SECTION. **Sec. 4.** TELEHEALTH AUTHORIZATION. (1) A health  
24 care practitioner may provide telehealth services to a patient  
25 located in this state if the services are consistent with the health  
26 care practitioner's scope of practice in this state, applicable  
27 professional practice standards in this state, and requirements and  
28 limitations of federal law and law of this state.

29 (2) This chapter does not authorize provision of health care  
30 otherwise regulated by federal law or law of this state, unless the  
31 provision of health care complies with the requirements, limitations,  
32 and prohibitions of the federal law or law of this state.

33 (3) A practitioner-patient relationship may be established  
34 through telehealth.

35 NEW SECTION. **Sec. 5.** PROFESSIONAL PRACTICE STANDARD. (1) A  
36 health care practitioner who provides telehealth services to a  
37 patient located in this state shall provide the services in

1 compliance with the professional practice standards applicable to a  
2 health care practitioner who provides comparable in-person health  
3 care in this state. Professional practice standards and law  
4 applicable to the provision of health care in this state, including  
5 standards and law relating to prescribing medication or treatment,  
6 identity verification, documentation, informed consent,  
7 confidentiality, privacy, and security, apply to the provision of  
8 telehealth services in this state.

9 (2) A disciplining authority in this state shall not adopt or  
10 enforce a rule that establishes a different professional practice  
11 standard for telehealth services merely because the services are  
12 provided through telehealth or limits the telecommunication  
13 technology that may be used for telehealth services.

14 NEW SECTION. **Sec. 6.** OUT-OF-STATE HEALTH CARE PRACTITIONER. An  
15 out-of-state health care practitioner may provide telehealth services  
16 to a patient located in this state if the out-of-state health care  
17 practitioner:

18 (1) Holds a current license or certification required to provide  
19 health care in this state or is otherwise authorized to provide  
20 health care in this state, including through a multistate compact of  
21 which this state is a member; or

22 (2) Provides the telehealth services:

23 (a) In the form of a consultation with a health care practitioner  
24 who has a practitioner-patient relationship with the patient and who  
25 remains responsible for diagnosing and treating the patient in the  
26 state; or

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

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

32 (2) In a civil action arising out of a health care practitioner's  
33 provision of a telehealth service to a patient under this chapter,  
34 brought by the patient or the patient's personal representative,  
35 conservator, guardian, or a person entitled to bring a claim under  
36 the state's wrongful death statute, venue is proper in the patient's  
37 county of residence in this state or in another county authorized by  
38 law.

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

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

8        NEW SECTION.        **Sec. 10.** Nothing in this act shall be construed to  
9 require a health carrier to reimburse for telehealth services that do  
10 not meet statutory requirements for reimbursement of telemedicine  
11 services.

12        **Sec. 11.** RCW 28B.20.830 and 2021 c 157 s 9 are each amended to  
13 read as follows:

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

24        (2) By July 1, 2016, the collaborative shall be convened. The  
25 collaborative shall develop recommendations on improving  
26 reimbursement and access to services, including originating site  
27 restrictions, provider to provider consultative models, and  
28 technologies and models of care not currently reimbursed; identify  
29 the existence of ((telemedicine)) telehealth best practices,  
30 guidelines, billing requirements, and fraud prevention developed by  
31 recognized medical and ((telemedicine)) telehealth organizations; and  
32 explore other priorities identified by members of the collaborative.  
33 After review of existing resources, the collaborative shall explore  
34 and make recommendations on whether to create a technical assistance  
35 center to support providers in implementing or expanding services  
36 delivered through ((telemedicine)) telehealth technologies.

1 (3) The collaborative must submit an initial progress report by  
2 December 1, 2016, with follow-up policy reports including  
3 recommendations by December 1, 2017, December 1, 2018, and December  
4 1, 2021. The reports shall be shared with the relevant professional  
5 associations, governing boards or commissions, and the health care  
6 committees of the legislature.

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

9 (a) Utilization;

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

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

14 (d) Ocular services.

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

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

24 (7) The collaborative must review the proposal authored by the  
25 uniform law commission for the state to implement a process for out-  
26 of-state health care providers to register with the disciplinary  
27 authority regulating their profession in this state allowing that  
28 provider to provide services through telehealth or store and forward  
29 technology to persons located in this state. By December 1, 2024, the  
30 collaborative must submit a report to the legislature on its  
31 recommendations regarding the proposal.

32 (8) The future of the collaborative shall be reviewed by the  
33 legislature with consideration of ongoing technical assistance needs  
34 and opportunities. ((The collaborative terminates December 31,  
35 2023.))

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

37 NEW SECTION. Sec. 12. SEVERABILITY. If any provision of this  
38 act or its application to any person or circumstance is held invalid,

1 the remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 13.** Sections 1 through 9 of this act  
4 constitute a new chapter in Title 18 RCW."

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5 On page 1, line 2 of the title, after "act;" strike the remainder  
6 of the title and insert "amending RCW 28B.20.830; adding a new  
7 chapter to Title 18 RCW; creating a new section; and providing an  
8 expiration date."

EFFECT: Removes the definitions for "telemedicine," "store and forward technology," and "telemedicine services." Adds definitions for "telehealth" and "telehealth services." Replaces reference to "telemedicine" with "telehealth." Allows a practitioner to establish a relationship with a patient through telehealth. Clarifies that an out-of-state practitioner may use telehealth services to consult with an in-state practitioner regarding a patient, but the in-state practitioner remains responsible for providing the care. Prohibits a disciplining authority from adopting practice standards for telehealth that are different from in-person practice standards. Adds a new section clarifying that this act does not require reimbursement for telehealth services if they do not meet the reimbursement requirements for telemedicine in statute. Updates the due date for the Telemedicine Collaborative to review the idea of a registration system for out-of-state practitioners and report back to the Legislature.

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