

FINAL BILL REPORT

ESSB 5481

C 212 L 24
Synopsis as Enacted

Brief Description: Concerning the uniform law commission's uniform telehealth act.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland and Pedersen; by request of Uniform Law Commission).

Senate Committee on Health & Long Term Care
House Committee on Health Care & Wellness

Background: Telehealth is the use of synchronous or asynchronous telecommunication technology by a practitioner to provide health care to a patient at a different physical location than the practitioner. A telehealth visit is considered to take place at the patient location, known as the originating site.

The Department of Health (DOH) licenses and certifies health care professionals in a variety of fields. Licensure or certification may entail the adoption of rules, verification of educational attainment and completion of supervised training, completion of a background check and verification of good character requirements, administration of a knowledge or practical skills examination, and collection of license or certification fees. The Uniform Disciplinary Act (UDA) provides laws governing the conduct and discipline of license and certification holders, with DOH, or a board or commission within DOH, acting as the disciplining authority.

Summary: A health care practitioner may provide telehealth services to a patient located in this state if the services are consistent with the health care practitioner's scope of practice in this state, applicable professional practice standards in this state, and requirements and limitations of federal law and law of this state. A practitioner-patient relationship may be established through telehealth, but may not be established through email, instant messaging, text messaging, or faxes.

An out-of-state health care provider may provide telehealth services to a patient located in Washington if the out-of-state health care practitioner:

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- holds a current license or certification required to provide health care in this state, or
- holds a license or certification in good standing in another state and provides the telehealth services:
 1. in consultation with a provider who has a provider-patient relationship with the patient;
 2. in the form of a specialty assessment, diagnosis, or recommendation for treatment, but does not include the provision of treatment; or
 3. in the form of follow-up by a primary care practitioner, mental health practitioner, or recognized clinical specialist to maintain continuity of care with an established patient who is temporarily located in this state and received treatment in the state where the practitioner is located and licensed.

A disciplining authority may not adopt or enforce a rule that establishes a different practice standard for telehealth services merely because the services are provided through telehealth or limit the telecommunication technology that may be used for telehealth services.

The provision of a telehealth service occurs at the patient's location at the time the service is provided. In a civil action arising out of a health care practitioner's provision of telehealth services brought by a patient or patient's personal representative, conservator, guardian, or other person entitled to bring a claim under the state's wrongful death statute, the venue is proper in the patient's county of residence or in another county authorized by law.

Nothing in this act shall be construed to require a health carrier or medical assistance program to reimburse for telehealth services that do not meet statutory requirements for reimbursement of telemedicine services. This act does not permit a health care practitioner to bill a patient directly for a telehealth service that is not a permissible telemedicine service without receiving patient consent to be billed prior to providing the telehealth service.

The telemedicine collaborative is extended until July 1, 2025. The collaborative must review the proposal authored by the Uniform Law Commission for the state to implement a process for out-of-state health care providers to register with the disciplinary authority regulating their profession in this state allowing that provider to provide services through telemedicine or store and forward technology to persons located in this state, and provide a report to the Legislature by December 1, 2024.

For the purposes of this act, a health care practitioner is defined as a physician, osteopathic physician, podiatric physician, advanced registered nurse practitioner, naturopath, physician assistant, and any person who is otherwise authorized to practice health care, to the extent the profession's scope of practice includes health care that can be provided through telehealth. A health care practitioner does not include a veterinarian.

Votes on Final Passage:

Senate 49 0

House 94 0 (House amended)

Senate 49 0 (Senate concurred)

Effective: June 6, 2024