

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- UNIFORM TELEHEALTH ACT

Introduced By: Senators Lauria, Miller, Ujfusa, Bell, Murray, Euer, Kallman, Britto,
McKenney, and Mack

Date Introduced: March 07, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 77.1

4 UNIFORM TELEHEALTH ACT

5 **23-77.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Uniform Telehealth Act".

7 **23-77.1-2. Definitions.**

8 When used in this chapter:

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

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

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

15 (4) "Out-of-state practitioner" means an individual licensed, certified, or otherwise
16 authorized by law of another state to provide health care in that state.

17 (5) "Practitioner" means an individual:

18 (i) Licensed or certified under one or more of the following:

19 (A) Chapter 30 of title 5 (chiropractors);

- 1 (B) Chapter 31.1 of title 5 (dental professionals);
2 (C) Chapter 64 of title 5 (dietitians and nutritionists);
3 (D) Chapter 4.1 of title 23 (emergency medical service providers);
4 (E) Chapter 13.6 of title 23 (lactation consultants);
5 (F) Chapter 63.2 of title 5 (marriage, family and mental health therapists);
6 (G) Chapter 20.8 of title 23 (massage therapists);
7 (H) Chapter 34 of title 5 (midwives);
8 (I) Chapter 34 of title 5 (nurses);
9 (J) Chapter 17.9 of title 23 (nursing assistants);
10 (K) Chapter 40.1 of title 5 (occupational therapists);
11 (L) Chapters 35.1 and 35.2 of title 5 (optometrists and opticians);
12 (M) Chapter 19.1 of title 5 (pharmacists);
13 (N) Chapter 40 of title 5 (physical therapists);
14 (O) Chapter 54 of title 5 (physician assistants);
15 (P) Chapter 37 of title 5 (physicians);
16 (Q) Chapter 29 of title 5 (podiatrists);
17 (R) Chapter 44 of title 5 (psychologists);
18 (S) Chapter 39 of title 23 (respiratory care professionals);
19 (T) Chapter 39.1 of title 5 (social workers); or
20 (U) Chapter 48 of title 5 (speech language pathologists and audiologists)
21 (ii) Otherwise authorized by the laws of this state, including through the registration
22 process established under § 23-77.1-7, to provide health care in this state.
23 (6) “Professional practice standard” includes:
24 (i) A standard of care;
25 (ii) A standard of professional ethics; and
26 (iii) A practice requirement imposed by a board.
27 (7) “Registered practitioner” means an out-of-state practitioner registered under § 23-77.1-
28 7.
29 (8) “Registering board” means a board of this state that registers out-of-state practitioners
30 under § 23-77.1-7.
31 (9) “Scope of practice” means the extent of a practitioner’s authority to provide health care.
32 (10) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
33 United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the
34 United States. The term includes a federally recognized Indian tribe.

1 (11) “Telecommunication technology” means technology that supports communication
2 through electronic means. The term is not limited to regulated technology or technology associated
3 with a regulated industry.

4 (12) “Telehealth” means use of synchronous or asynchronous telecommunication
5 technology by a practitioner to provide health care to a patient at a different physical location than
6 the practitioner.

7 (13) “Telehealth services” means health care provided through telehealth.

8 **23-77.1-3. Scope.**

9 (a) This chapter applies to the provision of telehealth services to a patient located in this
10 state.

11 (b) This chapter does not apply to the provision of telehealth services to a patient located
12 outside this state.

13 **23-77.1-4. Telehealth authorization.**

14 (a) A practitioner may provide telehealth services to a patient located in this state if the
15 services are consistent with the practitioner's scope of practice in this state, applicable professional
16 practice standards in this state, and requirements and limitations of federal or state law.

17 (b) This chapter does not authorize the provision of health care otherwise regulated by
18 federal or state law, unless the provision of the health care complies with the requirements,
19 limitations, and prohibitions of the federal or state law.

20 (c) A practitioner-patient relationship may be established through telehealth.

21 **23-77.1-5. Professional practice standard.**

22 (a) A practitioner who provides telehealth services to a patient located in this state shall
23 provide the services in compliance with the professional practice standards applicable to a
24 practitioner who provides comparable in-person health care in this state. Professional practice
25 standards and law applicable to the provision of health care in this state, including standards and
26 law relating to prescribing medication or treatment, identity verification, documentation, informed
27 consent, confidentiality, privacy, and security, apply to the provision of telehealth services in this
28 state.

29 (b) A board or agency in this state shall not adopt or enforce a rule that establishes a
30 different professional practice standard for telehealth services or limits the telecommunication
31 technology that may be used for telehealth services.

32 **23-77.1-6. Out-of-state practitioner.**

33 (a) An out-of-state practitioner may provide telehealth services to a patient located in this
34 state if the out-of-state practitioner:

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

4 (2) Registers under § 23-77.1-7 with the registering board responsible for licensing or
5 certifying practitioners who provide the type of health care the out-of-state practitioner provides;

6 or

7 (3) Provides the telehealth services:

8 (i) In consultation with a practitioner who has a practitioner-patient relationship with the
9 patient;

10 (ii) In the form of a specialty assessment, diagnosis, or recommendation for treatment; or

11 (iii) Pursuant to a previously established practitioner-patient relationship if the telehealth
12 services are provided not later than one year after the practitioner with whom the patient has a
13 relationship last provided health care to the patient.

14 (b) A requirement for licensure or certification of an out-of-state practitioner who
15 supervises an out-of-state practitioner providing telehealth services may be satisfied through
16 registration under § 23-77.1-7.

17 (c) A requirement for licensure or certification of an out-of-state practitioner who controls
18 or is otherwise associated with an entity that provides health care to a patient located in this state
19 may be satisfied through registration under § 23-77.1-7 if the entity does not provide in-person
20 health care to a patient located in this state.

21 **23-77.1-7. Board registration of out-of-state practitioner.**

22 (a) A board established under any one of the provisions cited in § 23-77.1-2(5)(i) shall
23 register, for the purpose of providing telehealth services in this state, an out-of-state practitioner
24 not licensed, certified, or otherwise authorized to provide health care in this state if the practitioner:

25 (1) Submits a completed application in the form prescribed by the registering board;

26 (2) Holds an active, unrestricted license or certification in another state that is substantially
27 equivalent to a license or certification issued by the registering board to provide health care;

28 (3) Is not subject to a pending disciplinary investigation or action by a board;

29 (4) Has not been disciplined by a board during the five (5) year period immediately before
30 submitting the application, other than discipline relating to a fee payment or continuing education
31 requirement addressed to the satisfaction of the board that took the disciplinary action;

32 (5) Never has been disciplined on a ground that the registering board determines would be
33 a basis for denying a license or certification in this state;

34 (6) Consents to personal jurisdiction in this state for an action arising out of the provision

1 of a telehealth service in this state;

2 (7) Appoints a registered agent for service of process in this state in accordance with the
3 law of this state and identifies the agent in the form prescribed by the registering board;

4 (8) Has professional liability insurance that includes coverage for telehealth services
5 provided to patients located in this state in an amount not less than the amount required for a
6 practitioner providing the same services in this state; and

7 (9) Pays the registration fee under subsection (d) of this section.

8 (b) A registering board shall not register under this chapter an out-of-state practitioner if
9 the practitioner does not satisfy all requirements of subsection (a) of this section.

10 (c) A registering board shall create an application for registration under subsection (a) of
11 this section and a form for identifying the agent under subsection (a)(7) of this section.

12 (d) A registering board may establish a registration fee that reflects the expected cost of
13 registration under this section and the cost of undertaking investigation, disciplinary action, and
14 other activity relating to registered practitioners.

15 (e) A registering board shall make available to the public information about registered
16 practitioners in the same manner it makes available to the public information about licensed or
17 certified practitioners authorized to provide comparable health care in this state.

18 (f) This section does not affect any other law of this state relating to an application by an
19 out-of-state practitioner for licensure or certification.

20 **23-77.1-8. Disciplinary action by the registering board.**

21 (a) A registering board may take disciplinary action against a registered practitioner who:

22 (1) Violates this chapter;

23 (2) Holds a license or certification that has been restricted in a state; or

24 (3) Has been disciplined by a board, other than discipline relating to a fee payment or
25 continuing education requirement addressed to the satisfaction of the board that imposed the
26 discipline.

27 (b) A registering board may take an action under subsection (a) of this section that it is
28 authorized to take against a licensed or certified practitioner who provides comparable health care
29 in this state.

30 (c) Disciplinary action under this section includes suspension or revocation of the
31 registered practitioner's registration in accordance with any other law of this state applicable to
32 disciplinary action against a practitioner who provides comparable health care in this state.

33 **23-77.1-9. Duties of registered practitioner.**

34 A registered practitioner:

1 (1) Shall notify the registering board not later than ten (10) days after a board in another
2 state notifies the practitioner that it has initiated an investigation, placed a restriction on the
3 practitioner's license or certification, or taken a disciplinary action against the practitioner;

4 (2) Shall maintain professional liability insurance that includes coverage for telehealth
5 services provided to patients located in this state in an amount not less than the amount required
6 for a licensed or certified practitioner providing the same services in this state; and

7 (3) Shall not open an office physically located in this state or provide in-person health care
8 to a patient located in this state.

9 **23-77.1-10. Location of care - Venue.**

10 (a) The provision of a telehealth service under this chapter occurs at the patient's location
11 at the time the service is provided.

12 (b) In a civil action arising out of a practitioner's provision of a telehealth service to a
13 patient under this chapter, brought by the patient or the patient's personal representative,
14 conservator, guardian, or a person entitled to bring a claim under the state's wrongful death statute,
15 venue is proper in the patient's county of residence in this state or in another county authorized by
16 law.

17 **23-77.1-11. Rulemaking authority.**

18 A board may adopt rules and regulations pursuant to chapter 35 of title 42 to administer,
19 enforce, implement, or interpret this chapter.

20 **23-77.1-12. Uniformity of application and construction.**

21 In applying and construing this chapter, a court shall consider the promotion of uniformity
22 of the law among jurisdictions that enact it.

23 **23-77.1-13. Severability.**

24 If a provision of this chapter or its application to a person or circumstance is held invalid,
25 the invalidity does not affect another provision or application that can be given effect without the
26 invalid provision.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- UNIFORM TELEHEALTH ACT

- 1 This act would allow an out-of-state health care practitioner, registered with the applicable
- 2 board, to provide telehealth services to a patient located in this state if the services are consistent
- 3 with the practitioner's scope of practice and state and federal professional standards.
- 4 This act would take effect upon passage.

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