

Interstate Licensure of Telemedicine Practitioners

Categories of telemedicine licensure

States have passed a variety of laws to regulate interstate telemedicine. These licensure laws, like any other type of statute, have been shaped by their respective stakeholders and can be considered either restrictive or reciprocal. Many states do not yet have statutes specifically related to interstate telemedicine licensure, the ramifications of which are discussed below.

Restrictive licensure

Restrictive licensure laws require a practitioner to obtain a full license to deliver telemedicine care across state lines. Typically, states with restrictive licensure laws also have several exceptions (varying from state to state) that may release an out-of-state practitioner from the additional burden of obtaining such a license. Practitioners may not need a full license if:

1. Interstate telemedicine activity is infrequent;
2. A contractual relationship with compensation is not formed;
3. Consultations are between two practitioners only, not between practitioner and patient;
4. Interstate telemedicine is for educational purposes;
5. Interstate telemedicine is used in the course of a medical emergency or a natural disaster;
6. Referring practitioner retains primary medical control over the patient;
7. Interstate telemedicine is used in the service of the U.S. military.

Twenty states (see Table 1) require practitioners who seek compensation to frequently deliver interstate care to acquire a full license.

Reciprocity--limited licensure

Limited licensure provides telemedicine practitioners with an interstate license, a simplified application process and reduced licensing fees. Reciprocity, as mutual exchange of privileges, permits one state to recognize a license in good standing that a practitioner holds in another jurisdiction. In the three states (Alabama, California and Oregon) that have adopted this model, the licensee is explicitly not permitted to practice medicine in-person--only interstate telemedicine care is allowed. The limited telemedicine licensure permits recognition of privileges in other states, and subjects a practitioner to the jurisdiction of the state where the patient resides.

Twenty-seven states, and the District of Columbia, have not yet taken action regarding interstate telemedicine licensure (see Table 2). Typically, these states' medical practice

statutes include language such as, "Practice of medicine and surgery means the diagnosis or treatment of, or operation or prescription for, any human disease, pain, injury, deformity or other physical or mental condition." In many cases, these clauses can be reasonably construed to consider patient care via telemedicine as the practice of medicine without explicitly stating so.

Table 1. Summary of Telemedicine Interstate Licensure Types

No action	Restrictive	Reciprocal
Alaska	Arizona	Alabama
Arkansas	Colorado	California
Delaware	Connecticut	Oregon
District of Columbia	Florida	
Idaho	Georgia	
Iowa	Hawaii	
Kentucky	Illinois	
Louisiana	Indiana	
Maine	Kansas	
Maryland	Mississippi	
Massachusetts	Missouri	
Michigan	Montana	
Minnesota	Nebraska	
New Hampshire	Nevada	
New Jersey	North Carolina	
New Mexico	Oklahoma	
New York	South Dakota	
North Dakota	Tennessee	
Ohio	Texas	
Pennsylvania	Virginia	
Rhode Island		
South Carolina		
Utah		
Vermont		
Washington		
West Virginia		
Wisconsin		
Wyoming		

Table 2. Summary of Telemedicine Interstate Licensure Types

No action	Restrictive	Reciprocal
28	20	3