

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 760

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO TELEHEALTH ACCESS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 54-5714, IDAHO CODE, TO PROVIDE FOR IN-
3 TERSTATE MENTAL AND BEHAVIORAL TELEHEALTH; PROVIDING A SUNSET DATE; AND
4 DECLARING AN EMERGENCY.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 57, Title 54, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 54-5714, Idaho Code, and to read as follows:

10 54-5714. INTERSTATE TELEHEALTH -- MENTAL AND BEHAVIORAL HEALTH. (1)
11 For purposes of this section, a mental or behavioral health provider is a
12 provider pursuant to section 54-5703(4), Idaho Code, excluding a physician,
13 who is licensed or registered in another state, district, or territory of the
14 United States to practice mental or behavioral health care.

15 (2) A mental or behavioral health provider who is not licensed in Idaho
16 may provide telehealth services to an Idaho resident or person located in
17 Idaho, notwithstanding any provision of law or rule to the contrary, pur-
18 suant to the requirements and limitations of this section.

19 (3) In addition to the other requirements of this section, a mental or
20 behavioral health provider who engages in interstate telehealth services
21 pursuant to this section must:

22 (a) Hold current, valid, and unrestricted licensure from an applicable
23 health care licensing authority in a state, district, or territory of
24 the United States that has substantially similar requirements for li-
25 censure as the corresponding Idaho licensing authority;

26 (b) Not be subject to any past or pending disciplinary proceedings, ex-
27 cluding any action related to nonpayment of fees related to a license;

28 (c) Act in full compliance with all applicable laws, rules, and reg-
29 ulations, including this chapter and laws and rules of the applicable
30 Idaho licensing authority regarding such mental or behavioral health
31 care practice;

32 (d) Act in compliance with any existing Idaho requirements regarding
33 the maintenance of liability insurance;

34 (e) Consent to Idaho jurisdiction and appoint and maintain a registered
35 agent for service of process in Idaho; and

36 (f) Obtain an Idaho credential to provide telehealth services.

37 (4) The standard of care under this section shall be the Idaho community
38 standard of care.

39 (5) A mental or behavioral health provider who is not licensed in Idaho
40 to prescribe legend drugs may not use a credential authorized pursuant to
41 this section:

42 (a) To prescribe legend drugs for use by a patient in Idaho; or

1 (b) To cause legend drugs to be delivered to a patient in Idaho.

2 (6) A mental or behavioral health provider who fails to comply with
3 applicable Idaho laws, rules, and regulations shall be subject to investi-
4 gation and disciplinary action by an applicable Idaho licensing authority.
5 Disciplinary action may include but is not limited to revoking the mental
6 or behavioral health provider's Idaho practice privileges, referring the
7 matter to licensing authorities in any states where the mental or behavioral
8 health provider possesses licensure, and civil penalties.

9 (7) Venue for a civil or administrative action initiated by a licensing
10 authority or by a patient who receives telehealth services from an out-of-
11 state mental or behavioral health provider shall be located in the patient's
12 county of residence or in any other applicable county in Idaho, including any
13 county where a licensing authority maintains an office.

14 (8) A licensing authority responsible for issuing licenses to provide
15 mental or behavioral health care services in this state:

16 (a) Shall issue credentials to qualified applicants for interstate
17 telehealth credentials pursuant to this section; and

18 (b) May adopt rules to implement this section, including with respect
19 to the establishment of fees for credentials in an amount sufficient to
20 issue, monitor, and discipline credentials issued under this section.

21 (9) A licensing authority shall require an applicant for an Idaho cre-
22 dential to complete an application established by the licensing authority
23 that demonstrates to the licensing authority that the applicant is in com-
24 pliance with the provisions of this section.

25 (10) If a licensing authority responsible for issuing credentials un-
26 der this section finds that grounds for discipline against a provider exist,
27 such licensing authority:

28 (a) May impose upon the practice privileges of the credential holder
29 any of the penalties that such licensing authority is authorized to im-
30 pose; and

31 (b) Shall promptly notify licensing authorities in any state where a
32 provider possesses licensure of any action taken against the telehealth
33 credential practice privileges of a licensee pursuant to this section.

34 SECTION 2. The provisions of Section 1 of this act shall be null, void,
35 and of no force and effect on and after July 1, 2025.

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval.