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LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

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1 AN ACT
2 RELATING TO TELEHEALTH ACCESS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY
3 THE ADDITION OF A NEW SECTION 54-5714, IDAHO CODE, TO PROVIDE FOR INTER-
4 STATE TELEHEALTH.

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

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

9 54-5714. INTERSTATE TELEHEALTH. (1) A provider who is not licensed in
10 Idaho may provide telehealth services to an Idaho resident or person located
11 in Idaho pursuant to the requirements and limitations of this section.

12 (2) A provider who engages in interstate telehealth services pursuant
13 to this section, shall:

14 (a) Hold current, valid, and unrestricted licensure from an applica-
15 ble health care licensing authority in a state, district, or territory
16 of the United States that is not subject to any past or pending disci-
17 plinary proceedings, excluding any action related to non-payment of
18 fees related to a license;

19 (b) Act in full compliance with all applicable laws, rules, and reg-
20 ulations, including this chapter and applicable laws and rules of the
21 applicable Idaho licensing authority regarding such health care prac-
22 tice;

23 (c) Act in compliance with existing Idaho requirements regarding the
24 maintenance of liability insurance;

25 (d) Consent to Idaho jurisdiction; and

26 (e) If applicable, hold a controlled substance license or permit that
27 has never been suspended or revoked by a state, district, or territory
28 of the United States or the United States drug enforcement administra-
29 tion.

30 (3) The standard of care under this section shall be the Idaho community
31 standard of care.

32 (4) A provider who fails to comply with applicable Idaho laws, rules,
33 and regulations shall be subject to investigation and disciplinary action
34 by an applicable Idaho licensing authority. Disciplinary action by an
35 Idaho licensing authority may include, but is not limited to, revoking the
36 provider's Idaho practice privileges and referring the matter to licensing
37 authorities in any states where the provider possesses licensure.

38 (5) Venue for a civil or administrative action initiated by the depart-
39 ment of health and welfare, the licensing authority, or a patient who re-
40 ceives telehealth services from an out-of-state provider shall be located in
41 the patient's county of residence or in any other applicable county in Idaho.

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1 (6) Nothing in this section shall shield a provider from personal ju-
2 risdiction in Idaho.

3 (7) Nothing in this section shall shield a provider from any privacy
4 safeguards under the health insurance portability and accountability act of
5 1996.

6 (8) Any licensing authority responsible for issuing licenses to pro-
7 vide health care services in this state may promulgate rules if necessary to
8 implement this section.