

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 179

BY BUSINESS COMMITTEE

AN ACT

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

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 must:

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

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

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

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

26 (e) Consent to Idaho jurisdiction;

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

31 (g) Obtain an Idaho credential to provide telehealth services.

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

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

40 (5) Venue for a civil or administrative action initiated by the depart-
41 ment of health and welfare, the licensing authority, or a patient who re-

1 ceives telehealth services from an out-of-state provider shall be located in
2 the patient's county of residence or in any other applicable county in Idaho.

3 (6) Nothing in this section shields a provider from personal jurisdic-
4 tion in Idaho.

5 (7) Nothing in this section shields a provider from any privacy safe-
6 guards under the health insurance portability and accountability act of
7 1996.

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

11 (9) If a licensing authority responsible for issuing a credential un-
12 der this section finds that grounds for discipline against a provider exist,
13 such licensing authority may impose upon the practice privileges of the cre-
14 dential holder any of the penalties that such licensing authority is autho-
15 rized to impose pursuant to Idaho Code.

16 (10) A licensing authority responsible for issuing a credential under
17 this section must promptly notify licensing authorities in any states where
18 the provider possesses licensure of any action taken against the telehealth
19 credential practice privileges of a licensee.