



WHY YOUR STATE SHOULD ADOPT THE UNIFORM TELEHEALTH ACT

The Uniform Telehealth Act (“UTA”) facilitates access to telehealth services, giving states the necessary guidance and framework to enable the delivery of telehealth services consistent with applicable standards of care. The Uniform Telehealth Act recognizes the distinct ways practitioners can leverage telehealth to provide widespread assistance to patients in a more convenient and cost-effective manner when and where they need it.

The Uniform Telehealth Act has two broad goals: (1) to make clear that as a general matter, a practitioner who is licensed or is otherwise authorized to provide health care in a state in which a patient is located may provide care through telehealth, if doing so is consistent with the applicable professional practice standards and the practitioner’s scope of practice as defined by the patient’s state; and (2) to expand the circumstances under which qualified out-of-state practitioners are permitted to deliver telehealth services to patients located in the enacting state, including by implementing a registration system. The Uniform Telehealth Act reflects over two years of a collaborative and non-partisan process with input from leading telehealth experts, regulators, and stakeholders.

Below are several reasons to adopt the Uniform Telehealth Act:

Implements a consistent regulatory framework and standards to enable telehealth adoption: The current patchwork of state laws, regulations, and executive orders is inconsistent and confusing. Further, many temporary telehealth waivers based on the COVID-19 public health emergency have expired, leaving both patients and practitioners alike with uncertainty. The Uniform Telehealth Act provides states with a clear regulatory framework and patient safety protections for practitioners delivering care through telehealth technologies. Its statutory authorization is consistent with longstanding paradigms for regulating healthcare services.

Includes protections to ensure patient safety and appropriate use of telehealth services: The Uniform Telehealth Act recognizes that telehealth is a *delivery method* for health care and not a separate form of health care. The Act makes clear that any practitioner using telehealth must be properly licensed or otherwise certified to deliver care in the state, meet the same standard of care as for in-person healthcare services, and must comply with all applicable law.

Eases barriers to care delivery across states lines while maintaining a state’s authority over patients within its borders: The Uniform Telehealth Act framework acknowledges states’ interests in monitoring practitioners delivering care to patients within their borders while also recognizing that individual state licensing requirements – and the accompanying administrative burdens– can limit the potential for cross-border telehealth to address workforce shortages and patients’ access to care. The Uniform Telehealth Act creates a streamlined registration system, as an alternative to licensure, to authorize out-of-state practitioners in good standing to deliver care via telehealth and also defines the circumstances in which out-of-state practitioners may deliver care without any licensure or registration.

Adopts a future-looking approach that anticipates advances in technology and models for providing care: The Uniform Telehealth Act does not limit the practice of telehealth to certain types of practitioners or specific technologies. Instead, the Uniform Telehealth Act permits practitioners to use

telehealth within their respective scopes of practice and to use whichever modality is clinically appropriate and adheres to the applicable standard(s) of care.

For further information about the Uniform Telehealth Act (2022), please contact Legislative Counsel Haley Tanzman at (312) 450-6620 or htanzman@uniformlaws.org.