

1 H.104

2 Introduced by Representatives Durfee of Shaftsbury and Houghton of Essex

3 Referred to Committee on

4 Date:

5 Subject: Health; professions and occupations; Office of Professional

6 Regulation; licensed clinical mental health counselors; telemedicine

7 Statement of purpose of bill as introduced: This bill proposes to allow a health
8 care professional who holds a valid license, certificate, or registration to
9 provide clinical mental health counseling services in another U.S. jurisdiction
10 to continue providing those services to a patient in located in Vermont using
11 telemedicine without obtaining a Vermont license if certain conditions are met.

12 An act relating to allowing certain licensed out-of-state mental health
13 professionals to treat Vermont patients using telemedicine

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 18 V.S.A. § 9362 is added to read:

16 § 9362. CLINICAL MENTAL HEALTH COUNSELORS; OUT-OF-STATE
17 HEALTH CARE PROFESSIONALS; TELEMEDICINE

18 (a) A health care professional who holds a valid license, certificate, or
19 registration to provide clinical mental health counseling services, as defined in
20 26 V.S.A. § 3261, in another U.S. jurisdiction may continue to provide these

1 services to a patient located in Vermont using telemedicine without obtaining a
2 Vermont license if the following conditions are met:

3 (1) the health care professional began providing clinical mental health
4 counseling services to the patient while the patient was located in a U.S.
5 jurisdiction in which the health care professional held a valid license,
6 certificate, or registration at the time the services were provided;

7 (2) the health care professional is licensed, certified, or registered in
8 good standing in the other U.S. jurisdiction or jurisdictions in which the health
9 care professional holds a license, certificate, or registration;

10 (3) the health care professional is not subject to any professional
11 disciplinary proceedings in any other U.S. jurisdiction; and

12 (4) the health care professional is not affirmatively barred from practice
13 in Vermont for reasons of fraud or abuse, patient care, or public safety.

14 (b) A health care professional who provides clinical mental health
15 counseling services to a patient located in Vermont in accordance with the
16 provisions of subsection (a) of this section is deemed to consent to, and shall
17 be subject to, the regulatory and disciplinary jurisdiction of the Board of Allied
18 Mental Health Practitioners established under 26 V.S.A. chapter 65.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2021.