

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.

An act relating to ~~allowing certain licensed out-of-state mental health~~  
~~professionals to treat Vermont patients using telemedicine~~ *considerations in*  
*facilitating the interstate practice of health care professionals using*  
*telehealth*

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

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

14 § 9362. CLINICAL MENTAL HEALTH COUNSELORS; OUT-OF-STATE

15 HEALTH CARE PROFESSIONALS; TELEMEDICINE

16 (a) A health care professional who holds a valid license, certificate, or

17 registration to provide clinical mental health counseling services, as defined in

1 ~~26 V.S.A. § 3261, in another U.S. jurisdiction may continue to provide these~~  
2 services to a patient located in Vermont using telemedicine without obtaining a  
3 Vermont license if the following conditions are met:

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

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

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

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

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

20 Sec. 2. EFFECTIVE DATE

21 ~~This act shall take effect on July 1, 2021.~~

*Sec. 1. FACILITATION OF INTERSTATE PRACTICE USING  
TELEHEALTH WORKING GROUP; REPORT*

*(a) Creation. There is created the Facilitation of Interstate Practice Using Telehealth Working Group to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities.*

*(b) Membership. The Working Group shall be composed of the following members:*

*(1) the Director of the Office of Professional Regulation;*

*(2) representatives of the health care professions associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;*

*(3) the Executive Director of the Board of Medical Practice;*

*(4) representatives of the health care professions licensed by the Board of Medical Practice, selected by the Commissioner of Health;*

*(5) the Commissioner of Mental Health or designee;*

*(6) representatives of health care professional organizations;*

*(7) representatives of health insurers; and*

*(8) other interested stakeholders.*

*(c) Powers and duties. The Working Group shall compile and evaluate methods for facilitating the interstate practice of health care professionals*

using telehealth modalities, including through the creation of telehealth licenses, waiver of licensure, national licensure compacts, and regional reciprocity agreements. In evaluating potential options for implementation in Vermont, the Working Group shall consider the following issues:

(1) impacts and ethical considerations related to patient care and continuity of care;

(2) whether to limit to health care professionals with preexisting patient relationships;

(3) impacts on State regulatory oversight and enforcement, including the fiscal impacts;

(4) effects on prescribing;

(5) differences between the various states and U.S. territories in scopes of practice, qualifications, regulation, and enforcement;

(6) different policy options for facilitating interstate practice, including the potential for reciprocity with health care professionals licensed in Vermont;

(7) whether to explore the international practice of health care professionals using telehealth; and

(8) other issues relevant to facilitating the interstate practice of health care professionals.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Professional Regulation.

(e) Report. On or before December 15, 2021, the Director of the Office of Professional Regulation shall provide the Working Group's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

(f) Meetings. The Director of the Office of Professional Regulation shall convene and serve as the chair of the Working Group and shall call the first meeting to occur on or before July 1, 2021.

*Sec. 2. EFFECTIVE DATE*

This act shall take effect on passage.