

1 H.357

2 Introduced by Representative Morrissey of Bennington

3 Referred to Committee on

4 Date:

5 Subject: Health; professions and occupations; deemed licensure

6 Statement of purpose of bill as introduced: This bill proposes to deem an  
7 individual who is licensed, registered, or certified to provide health care  
8 services in any other U.S. jurisdiction as being licensed, registered, or certified  
9 to provide health care services in Vermont and to use telemedicine to provide  
10 health care services to patients located in Vermont.

11 An act relating to deemed licensure of out-of-state health care professionals

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

13 Sec. 1. 3 V.S.A. § 139 is added to read:

14 § 139. DEEMED LICENSURE FOR OUT-OF-STATE HEALTH CARE

15 PROFESSIONALS

16 (a) As used in this section, “health care professional” means an osteopathic  
17 physician, dentist, nurse, psychologist, social worker, alcohol and drug abuse  
18 counselor, clinical mental health counselor, marriage and family therapist, or  
19 psychoanalyst, as those terms are defined in the relevant chapters of Title 26.

1       (b) Notwithstanding any provision of this chapter or Title 26 to the  
2       contrary, a health care professional who holds a valid license, certificate, or  
3       registration to provide health care services in any other U.S. jurisdiction shall  
4       be deemed to be licensed, certified, or registered to provide health care  
5       services in Vermont or to a patient located in Vermont, or both, using  
6       telemedicine in accordance with 18 V.S.A. § 9361, as a volunteer member of  
7       the Medical Reserve Corps, or as part of the staff of a licensed facility or, to  
8       the extent permitted under federal law, a federally qualified health center,  
9       provided the health care professional:

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

13       (2) is not subject to any professional disciplinary proceedings in any  
14       other U.S. jurisdiction; and

15       (3) is not affirmatively barred from practice in Vermont for reasons of  
16       fraud or abuse, patient care, or public safety.

17       (c) A health care professional who plans to provide health care services in  
18       Vermont or to a patient located in Vermont, or both, in accordance with this  
19       section shall submit or have submitted on the individual's behalf the  
20       individual's name, contact information, and the Vermont location or locations,  
21       if any, at which the individual will be practicing to the Office of Professional

1 Regulation. The health care professional shall update the information with the  
2 Office at least annually, or more frequently if any of the information has  
3 changed.

4 (d) A health care professional who delivers health care services in Vermont  
5 or to a patient located in Vermont, or both, pursuant to subsection (a) of this  
6 section is deemed to consent to, and shall be subject to, the regulatory and  
7 disciplinary jurisdiction of the Office of Professional Regulation and of the  
8 applicable professional regulatory board or boards attached to the Office.

9 (e) A health care professional shall no longer be deemed licensed, certified,  
10 or registered to deliver health care services pursuant to subsection (a) of this  
11 section upon the health care professional's failure to satisfy one or more of the  
12 criteria in subdivisions (a)(1)–(3) of this section.

13 Sec. 2. 26 V.S.A. § 379 is added to read:

14 § 379. DEEMED LICENSURE FOR OUT-OF-STATE PODIATRISTS

15 (a) Notwithstanding any provision of this chapter to the contrary, a  
16 podiatrist who holds a valid license, certificate, or registration to engage in the  
17 practice of podiatry in any other U.S. jurisdiction shall be deemed to be  
18 licensed to engage in the practice of podiatry in Vermont or to deliver podiatry  
19 services to a patient located in Vermont, or both, using telemedicine in  
20 accordance with 18 V.S.A. § 9361, as a volunteer member of the Medical  
21 Reserve Corps, or as part of the staff of a licensed facility or, to the extent

1 permitted under federal law, a federally qualified health center, provided the  
2 podiatrist:

3 (1) is licensed, certified, or registered in good standing in the other U.S.  
4 jurisdiction or jurisdictions in which the podiatrist holds a license, certificate,  
5 or registration;

6 (2) is not subject to any professional disciplinary proceedings in any  
7 other U.S. jurisdiction; and

8 (3) is not affirmatively barred from practice in Vermont for reasons of  
9 fraud or abuse, patient care, or public safety.

10 (b) A podiatrist who plans to provide podiatry services in Vermont or to  
11 deliver podiatry services to a patient located in Vermont, or both, in  
12 accordance with this section shall submit or have submitted on the individual's  
13 behalf the individual's name, contact information, and the Vermont location or  
14 locations, if any, at which the individual will be practicing to the Board of  
15 Medical Practice. The podiatrist shall update the information with the Board at  
16 least annually, or more frequently if any of the information has changed.

17 (c) An individual who engages in the practice of podiatry in Vermont or  
18 with a Vermont patient pursuant to subsection (a) of this section is deemed to  
19 consent to, and shall be subject to, the regulatory and disciplinary jurisdiction  
20 of the Board of Medical Practice.

1       (d) An individual shall no longer be deemed licensed to engage in the  
2       practice of podiatry in Vermont or with a Vermont patient pursuant to  
3       subsection (a) of this section upon the podiatrist's failure to satisfy one or more  
4       of the criteria in subdivisions (a)(1)–(3) of this section.

5       Sec. 3. 26 V.S.A. § 1399 is added to read:

6       § 1399. DEEMED LICENSURE FOR OUT-OF-STATE PHYSICIANS

7       (a) Notwithstanding any provision of this chapter to the contrary, a  
8       physician who holds a valid license, certificate, or registration to practice  
9       medicine in any other U.S. jurisdiction shall be deemed to be licensed to  
10       practice medicine in Vermont or to deliver health care services to a patient  
11       located in Vermont, or both, using telemedicine in accordance with 18 V.S.A.  
12       § 9361, as a volunteer member of the Medical Reserve Corps, or as part of the  
13       staff of a licensed facility or, to the extent permitted under federal law, a  
14       federally qualified health center, provided the physician:

15               (1) is licensed, certified, or registered in good standing in the other U.S.  
16       jurisdiction or jurisdictions in which the physician holds a license, certificate,  
17       or registration;

18               (2) is not subject to any professional disciplinary proceedings in any  
19       other U.S. jurisdiction; and

20               (3) is not affirmatively barred from practice in Vermont for reasons of  
21       fraud or abuse, patient care, or public safety.

1       (b) A physician who plans to practice medicine in Vermont or to deliver  
2       health care services to a patient located in Vermont, or both, in accordance  
3       with this section shall submit or have submitted on the individual's behalf the  
4       individual's name, contact information, and the Vermont location or locations,  
5       if any, at which the individual will be practicing to the Board of Medical  
6       Practice. The physician shall update the information with the Board at least  
7       annually, or more frequently if any of the information has changed.

8       (c) A physician who practices medicine in Vermont or delivers health care  
9       services to a patient located in Vermont, or both, pursuant to subsection (a) of  
10       this section is deemed to consent to, and shall be subject to, the regulatory and  
11       disciplinary jurisdiction of the Board of Medical Practice.

12       (d) A physician shall no longer be deemed licensed to practice medicine or  
13       to deliver health care services pursuant to subsection (a) of this section upon  
14       the physician's failure to satisfy one or more of the criteria in subdivisions  
15       (a)(1)–(3) of this section.

16       Sec. 4. 26 V.S.A. § 1735 is added to read:

17       § 1735. DEEMED LICENSURE FOR OUT-OF-STATE PHYSICIAN

18               ASSISTANTS

19       (a) Notwithstanding any provision of this chapter to the contrary, a  
20       physician assistant who holds a valid license, certificate, or registration to  
21       practice as a physician assistant in any other U.S. jurisdiction shall be deemed

1 to be licensed to practice as a physician assistant in Vermont or to deliver  
2 health care services to a patient located in Vermont, or both, using  
3 telemedicine in accordance with 18 V.S.A. § 9361, as a volunteer member of  
4 the Medical Reserve Corps, or as part of the staff of a licensed facility or, to  
5 the extent permitted under federal law, a federally qualified health center,  
6 provided the physician assistant:

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

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

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

14 (b) A physician assistant who plans to practice as a physician assistant in  
15 Vermont or to deliver health care services to a patient located in Vermont, or  
16 both, in accordance with this section shall submit or have submitted on the  
17 individual's behalf the individual's name, contact information, and the  
18 Vermont location or locations, if any, at which the individual will be practicing  
19 to the Board of Medical Practice. The physician assistant shall update the  
20 information with the Board at least annually, or more frequently if any of the  
21 information has changed.

1       (c) An individual who practices as a physician assistant in Vermont or  
2       delivers health care services to a patient located in Vermont, or both, pursuant  
3       to subsection (a) of this section is deemed to consent to, and shall be subject to,  
4       the regulatory and disciplinary jurisdiction of the Board of Medical Practice.

5       (d) An individual shall no longer be deemed licensed to practice as a  
6       physician assistant or to deliver health care services pursuant to subsection (a)  
7       of this section upon the physician assistant's failure to satisfy one or more of  
8       the criteria in subdivisions (a)(1)–(3) of this section.

9       Sec. 5. EFFECTIVE DATE

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