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

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

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

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

(a) As used in this section, “health care professional” means an osteopathic physician, dentist, nurse, psychologist, social worker, alcohol and drug abuse counselor, clinical mental health counselor, marriage and family therapist, or psychoanalyst, as those terms are defined in the relevant chapters of Title 26.
(b) Notwithstanding any provision of this chapter or Title 26 to the contrary, a health care professional who holds a valid license, certificate, or registration to provide health care services in any other U.S. jurisdiction shall be deemed to be licensed, certified, or registered to provide health care services in Vermont or to a patient located in Vermont, or both, using telemedicine in accordance with 18 V.S.A. § 9361, as a volunteer member of the Medical Reserve Corps, or as part of the staff of a licensed facility or, to the extent permitted under federal law, a federally qualified health center, provided the health care professional:

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

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

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

(c) A health care professional who plans to provide health care services in Vermont or to a patient located in Vermont, or both, in accordance with this section shall submit or have submitted on the individual’s behalf the individual’s name, contact information, and the Vermont location or locations, if any, at which the individual will be practicing to the Office of Professional
Regulation. The health care professional shall update the information with the Office at least annually, or more frequently if any of the information has changed.

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

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

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

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

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

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

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

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

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

(c) An individual who engages in the practice of podiatry in Vermont or with a Vermont patient pursuant to subsection (a) of this section is deemed to consent to, and shall be subject to, the regulatory and disciplinary jurisdiction of the Board of Medical Practice.
(d) An individual shall no longer be deemed licensed to engage in the practice of podiatry in Vermont or with a Vermont patient pursuant to subsection (a) of this section upon the podiatrist’s failure to satisfy one or more of the criteria in subdivisions (a)(1)–(3) of this section.

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

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

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

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

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

(3) is not affirmatively barred from practice in Vermont for reasons of fraud or abuse, patient care, or public safety.
(b) A physician who plans to practice medicine in Vermont or to deliver health care services to a patient located in Vermont, or both, in accordance with this section shall submit or have submitted on the individual’s behalf the individual’s name, contact information, and the Vermont location or locations, if any, at which the individual will be practicing to the Board of Medical Practice. The physician shall update the information with the Board at least annually, or more frequently if any of the information has changed.

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

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

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

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

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

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

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

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

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

delivers health care services to a patient located in Vermont, or both, pursuant
to subsection (a) of this section is deemed to consent to, and shall be subject to,
the regulatory and disciplinary jurisdiction of the Board of Medical Practice.

(d) An individual shall no longer be deemed licensed to practice as a

physician assistant or to deliver health care services pursuant to subsection (a)
of this section upon the physician assistant’s failure to satisfy one or more of
the criteria in subdivisions (a)(1)–(3) of this section.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.