

2024 -- H 7149

LC004081

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- UNIFORM TELEHEALTH ACT

Introduced By: Representatives Kennedy, Azzinaro, Edwards, Kazarian, and Diaz

Date Introduced: January 11, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 77.1

4 UNIFORM TELEHEALTH ACT

5 **23-77.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Uniform Telehealth Act".

7 **23-77.1-2. Definitions.**

8 When used in this chapter:

9 (1) "Board" means an entity to which a state has granted the authority to license, certify,  
10 or discipline individuals who provide health care.

11 (2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless,  
12 optical, electromagnetic, or similar capabilities.

13 (3) "Health care" means care, treatment, or a service or procedure, to maintain, monitor,  
14 diagnose, or otherwise affect an individual's physical or mental illness, injury, or condition.

15 (4) "Out-of-state practitioner" means an individual licensed, certified, or otherwise  
16 authorized by law of another state to provide health care in that state.

17 (5) "Practitioner" means an individual:

18 (i) Licensed or certified under one or more of the following:

19 (A) Chapter 30 of title 5 (chiropractors);

- 1 [\(B\) Chapter 31.1 of title 5 \(dental professionals\);](#)
- 2 [\(C\) Chapter 64 of title 5 \(dietitians and nutritionists\);](#)
- 3 [\(D\) Chapter 4.1 of title 23 \(emergency medical service providers\);](#)
- 4 [\(E\) Chapter 13.6 of title 23 \(lactation consultants\);](#)
- 5 [\(F\) Chapter 63.2 of title 5 \(marriage, family and mental health therapists\);](#)
- 6 [\(G\) Chapter 20.8 of title 23 \(massage therapists\);](#)
- 7 [\(H\) Chapter 34 of title 5 \(midwives\);](#)
- 8 [\(I\) Chapter 34 of title 5 \(nurses\);](#)
- 9 [\(J\) Chapter 17.9 of title 23 \(nursing assistants\);](#)
- 10 [\(K\) Chapter 40.1 of title 5 \(occupational therapists\);](#)
- 11 [\(L\) Chapters 35.1 and 35.2 of title 5 \(optometrists and opticians\);](#)
- 12 [\(M\) Chapter 19.1 of title 5 \(pharmacists\);](#)
- 13 [\(N\) Chapter 40 of title 5 \(physical therapists\);](#)
- 14 [\(O\) Chapter 54 of title 5 \(physician assistants\);](#)
- 15 [\(P\) Chapter 37 of title 5 \(physicians\);](#)
- 16 [\(Q\) Chapter 29 of title 5 \(podiatrists\);](#)
- 17 [\(R\) Chapter 44 of title 5 \(psychologists\);](#)
- 18 [\(S\) Chapter 39 of title 23 \(respiratory care professionals\);](#)
- 19 [\(T\) Chapter 39.1 of title 5 \(social workers\); or](#)
- 20 [\(U\) Chapter 48 of title 5 \(speech language pathologists and audiologists\)](#)
- 21 [\(ii\) Otherwise authorized by the laws of this state, including through the registration](#)
- 22 [process established under § 23-77.1-7, to provide health care in this state.](#)
- 23 [\(6\) “Professional practice standard” includes:](#)
- 24 [\(i\) A standard of care;](#)
- 25 [\(ii\) A standard of professional ethics; and](#)
- 26 [\(iii\) A practice requirement imposed by a board.](#)
- 27 [\(7\) “Registered practitioner” means an out-of-state practitioner registered under § 23-77.1-](#)
- 28 [7.](#)
- 29 [\(8\) “Registering board” means a board of this state that registers out-of-state practitioners](#)
- 30 [under § 23-77.1-7.](#)
- 31 [\(9\) “Scope of practice” means the extent of a practitioner’s authority to provide health care.](#)
- 32 [\(10\) “State” means a state of the United States, the District of Columbia, Puerto Rico, the](#)
- 33 [United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the](#)
- 34 [United States. The term includes a federally recognized Indian tribe.](#)

1           (11) “Telecommunication technology” means technology that supports communication  
2 through electronic means. The term is not limited to regulated technology or technology associated  
3 with a regulated industry.

4           (12) “Telehealth” means use of synchronous or asynchronous telecommunication  
5 technology by a practitioner to provide health care to a patient at a different physical location than  
6 the practitioner.

7           (13) “Telehealth services” means health care provided through telehealth.

8           **23-77.1-3. Scope.**

9           (a) This chapter applies to the provision of telehealth services to a patient located in this  
10 state.

11           (b) This chapter does not apply to the provision of telehealth services to a patient located  
12 outside this state.

13           **23-77.1-4. Telehealth authorization.**

14           (a) A practitioner may provide telehealth services to a patient located in this state if the  
15 services are consistent with the practitioner's scope of practice in this state, applicable professional  
16 practice standards in this state, and requirements and limitations of federal or state law.

17           (b) This chapter does not authorize the provision of health care otherwise regulated by  
18 federal or state law, unless the provision of the health care complies with the requirements,  
19 limitations, and prohibitions of the federal or state law.

20           (c) A practitioner-patient relationship may be established through telehealth. The  
21 relationship is subject to professional practice standards and law referred to in § 23-77.1-5(a).

22           **23-77.1-5. Professional practice standard.**

23           (a) A practitioner who provides telehealth services to a patient located in this state shall  
24 provide the services in compliance with the professional practice standards applicable to a  
25 practitioner who provides comparable in-person health care in this state. Professional practice  
26 standards and law applicable to the provision of health care in this state, including standards and  
27 law relating to prescribing medication or treatment, identity verification, documentation, informed  
28 consent, confidentiality, privacy, and security, apply to the provision of telehealth services in this  
29 state.

30           (b) A board or agency in this state shall not adopt or enforce a rule that establishes a  
31 different professional practice standard for telehealth services merely because the services are  
32 provided through telehealth or limits the telecommunication technology that may be used for  
33 telehealth services.

34           **23-77.1-6. Out-of-state practitioner.**

1 (a) An out-of-state practitioner may provide telehealth services to a patient located in this  
2 state if the out-of-state practitioner:

3 (1) Holds a license or certification required to provide health care in this state or is  
4 otherwise authorized to provide health care in this state, including through a multistate compact of  
5 which this state is a member;

6 (2) Registers under § 23-77.1-7 with the registering board responsible for licensing or  
7 certifying practitioners who provide the type of health care the out-of-state practitioner provides;  
8 or

9 (3) Provides the telehealth services:

10 (i) In consultation with a practitioner who has a practitioner-patient relationship with the  
11 patient;

12 (ii) In the form of a specialty assessment, diagnosis, or recommendation for treatment; or

13 (iii) Pursuant to a previously established practitioner-patient relationship if the telehealth  
14 services are provided not later than one year after the practitioner with whom the patient has a  
15 relationship last provided health care to the patient.

16 (b) A requirement for licensure or certification of an out-of-state practitioner who  
17 supervises an out-of-state practitioner providing telehealth services may be satisfied through  
18 registration under § 23-77.1-7.

19 (c) A requirement for licensure or certification of an out-of-state practitioner who controls  
20 or is otherwise associated with an entity that provides health care to a patient located in this state  
21 may be satisfied through registration under § 23-77.1-7 if the entity does not provide in-person  
22 health care to a patient located in this state.

23 **23-77.1-7. Board registration of out-of-state practitioner.**

24 (a) A board established under any one of the provisions cited in § 23-77.1-2(5)(i) shall  
25 register, for the purpose of providing telehealth services in this state, an out-of-state practitioner  
26 not licensed, certified, or otherwise authorized to provide health care in this state if the practitioner:

27 (1) Submits a completed application in the form prescribed by the registering board;

28 (2) Holds an active, unrestricted license or certification in another state that is substantially  
29 equivalent to a license or certification issued by the registering board to provide health care;

30 (3) Is not subject to a pending disciplinary investigation or action by a board;

31 (4) Has not been disciplined by a board during the five (5) year period immediately before  
32 submitting the application, other than discipline relating to a fee payment or continuing education  
33 requirement addressed to the satisfaction of the board that took the disciplinary action;

34 (5) Never has been disciplined on a ground that the registering board determines would be

1 a basis for denying a license or certification in this state;

2 (6) Consents to personal jurisdiction in this state for an action arising out of the provision  
3 of a telehealth service in this state;

4 (7) Appoints a registered agent for service of process in this state in accordance with the  
5 law of this state and identifies the agent in the form prescribed by the registering board;

6 (8) Has professional liability insurance that includes coverage for telehealth services  
7 provided to patients located in this state in an amount not less than the amount required for a  
8 practitioner providing the same services in this state; and

9 (9) Pays the registration fee under subsection (d) of this section.

10 (b) A registering board shall not register under this chapter an out-of-state practitioner if  
11 the practitioner does not satisfy all requirements of subsection (a) of this section.

12 (c) A registering board shall create an application for registration under subsection (a) of  
13 this section and a form for identifying the agent under subsection (a)(7) of this section.

14 (d) A registering board may establish a registration fee that reflects the expected cost of  
15 registration under this section and the cost of undertaking investigation, disciplinary action, and  
16 other activity relating to registered practitioners. All receipts from the registration fee shall not be  
17 covered into or merged with the general fund of the state, but shall be kept by the general treasurer  
18 of the state in a separate fund for the department of health and shall be paid out by the treasurer  
19 upon the order of the department of health, without the necessity of appropriation or re-  
20 appropriation by the general assembly.

21 (e) A registering board shall make available to the public information about registered  
22 practitioners in the same manner it makes available to the public information about licensed or  
23 certified practitioners authorized to provide comparable health care in this state.

24 (f) This section does not affect any other law of this state relating to an application by an  
25 out-of-state practitioner for licensure or certification.

26 **23-77.1-8. Disciplinary action by the registering board.**

27 (a) A registering board may take disciplinary action against a registered practitioner who:

28 (1) Violates this chapter;

29 (2) Holds a license or certification that has been restricted in a state; or

30 (3) Has been disciplined by a board, other than discipline relating to a fee payment or  
31 continuing education requirement addressed to the satisfaction of the board that imposed the  
32 discipline.

33 (b) A registering board may take an action under subsection (a) of this section that it is  
34 authorized to take against a licensed or certified practitioner who provides comparable health care

1 in this state.

2 (c) Disciplinary action under this section includes suspension or revocation of the  
3 registered practitioner's registration in accordance with any other law of this state applicable to  
4 disciplinary action against a practitioner who provides comparable health care in this state.

5 (d) The procedures for disciplinary action against a licensed or certified practitioner who  
6 provides comparable health care in this state apply to any disciplinary action against a registered  
7 practitioner.

8 **23-77.1-9. Duties of registered practitioner.**

9 A registered practitioner:

10 (1) Shall notify the registering board not later than ten (10) days after a board in another  
11 state notifies the practitioner that it has initiated an investigation, placed a restriction on the  
12 practitioner's license or certification, or taken a disciplinary action against the practitioner;

13 (2) Shall maintain professional liability insurance that includes coverage for telehealth  
14 services provided to patients located in this state in an amount not less than the amount required  
15 for a licensed or certified practitioner providing the same services in this state; and

16 (3) Shall not open an office physically located in this state or provide in-person health care  
17 to a patient located in this state.

18 **23-77.1-10. Location of care - Venue.**

19 (a) The provision of a telehealth service under this chapter occurs at the patient's location  
20 at the time the service is provided.

21 (b) In a civil action arising out of a practitioner's provision of a telehealth service to a  
22 patient under this chapter, brought by the patient or the patient's personal representative,  
23 conservator, guardian, or a person entitled to bring a claim under the state's wrongful death statute,  
24 venue is proper in the patient's county of residence in this state or in another county authorized by  
25 law.

26 **23-77.1-11. Rulemaking authority.**

27 A board may adopt rules and regulations pursuant to chapter 35 of title 42 to administer,  
28 enforce, implement, or interpret this chapter.

29 **23-77.1-12. Uniformity of application and construction.**

30 In applying and construing this chapter, a court shall consider the promotion of uniformity  
31 of the law among jurisdictions that enact it.

32 **23-77.1-13. Severability.**

33 If a provision of this chapter or its application to a person or circumstance is held invalid,  
34 the invalidity does not affect another provision or application that can be given effect without the

1 [invalid provision.](#)

2 SECTION 2. This act shall take effect upon passage.

=====  
LC004081  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO HEALTH AND SAFETY -- UNIFORM TELEHEALTH ACT

\*\*\*

- 1           This act would allow an out-of-state health care practitioner, registered with the applicable  
2 board, to provide telehealth services to a patient located in this state if the services are consistent  
3 with the practitioner's scope of practice and state and federal professional standards.  
4           This act would take effect upon passage.

=====  
LC004081  
=====