

CO-SPONSORSHIP MEMORANDUM

To: All Legislators

From: Senator Rob Stafsholt
Representative Nate Gustafson

Date: March 27, 2025

RE: Co-Sponsorship of LRB-2236/1: registration of out-of-state health care providers to provide telehealth services.

Deadline: Friday, April 4th at 12:00pm.

This bill allows an individual who possesses a credential as a health care provider in another state to provide health care services by telehealth in this state within the scope of practice established under the laws and rules of this state.

This bill requires Department of Safety and Professional Services (DSPS) and any applicable credentialing board to register an out-of-state health care provider as a telehealth provider who may provide health care services in this state by telehealth if the health care provider meets certain criteria, such as possessing a health care credential issued by another state and having a clean disciplinary record.

In addition, the bill requires DSPS to publish on its website a list of all health care providers registered to provide telehealth services under the bill and include certain information including the registrant's name, health care occupation, training and education, out-of-state health care license, disciplinary history, and any medical malpractice insurance policy information.

If you would like to co-sponsor this legislation, please respond to this email or contact Senator Stafsholt's office at 6-7745 or Representative Nate Gustafson's office at 9155. Co-sponsors will automatically be added to both the Senate and Assembly versions unless otherwise specified.

Analysis by the Legislative Reference Bureau

This bill allows an individual who possesses a credential as a health care provider in another state to provide health care services by telehealth in this state within the scope of practice established under the laws and rules of this state by registering with the Department of Safety and Professional Services or an applicable credentialing board. In general, under current law, no person may provide health care services in this state for which a credential is required unless the person possesses a credential issued in this state issued by DSPS or a credentialing board. This bill requires DSPS and any applicable credentialing board to register an out-of-state health care provider who does not possess a credential in this state as a telehealth provider who may provide health care services in this state by telehealth if the health care provider meets certain criteria, including 1) that the health care provider possesses a credential issued by a governmental authority in another state, the District of Columbia, or a possession or territory of the United States that is active and unencumbered and that entitles the health care provider to perform health care services that are substantially similar to health care services that may be performed by a health care provider who possesses a credential issued in this state; 2) that the health care provider has not been subject to any disciplinary action relating to his or her credential during the five-year period immediately preceding submission of the health care provider's application for registration in this state that has resulted in his or her credential being limited, suspended, or revoked; and 3) that the health care provider designates an agent upon whom service of process may be made in this state. A health care provider registered to provide telehealth services under the bill may not open an office in this state and may not provide in-person health care services to patients located in this state unless the health care provider obtains a credential in this state. The bill requires individuals registered to provide telehealth services in this state to maintain and have in effect malpractice liability insurance coverage that covers services provided to patients in this state if the health care services that the individual may provide are substantially similar to services provided by a health care provider in this state who is required under law to maintain and have in effect malpractice liability insurance.

The bill requires individuals registered under the bill to provide telehealth services in this state to notify DSPS or the applicable credentialing board of any restrictions placed on his or her credential in any state or jurisdiction and of any disciplinary action taken or pending against him or her in any state or jurisdiction within five business days after the restriction is placed or disciplinary action is initiated or taken. The bill allows DSPS and applicable credentialing boards to take disciplinary action against a health care provider registered to provide telehealth services under the bill if the registrant fails to notify DSPS or the applicable credentialing board of any adverse actions taken against his or her credential, if the registrant has restrictions placed on his or her credential, if disciplinary action has been commenced against the registrant in any state or jurisdiction, if the registrant violates any provision under the bill, or if the registrant commits any act that constitutes grounds for disciplinary action applicable to the registrant's health care practice in this state.

Finally, the bill requires DSPS to publish on its website a list of all health care providers registered to provide telehealth services under the bill and include, to the extent applicable, certain information including the registrant's name, the registrant's health care occupation, a brief explanation of the registrant's training and education, including completion dates and any certificates or degrees obtained, the registrant's out-of-state health care license, permit, certificate, or other approval, including any identification number associated with the registrant's license, permit, certificate, or other approval, the registrant's specialty, a five-year disciplinary history of the registrant, the registrant's medical malpractice insurance provider and any policy limits under the registrant's medical malpractice insurance coverage, and the name and address of the registrant's agent designated for service of process in this state.