Hand Carry
Agenda Item

American Psychological Association

Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
ALABAMA	No	Yes (Code of Ala. §34-24-500) - Physicians must hold a full license or Special Purpose License to practice across state lines - Licensed out-of-state physicians must apply for a Special Purpose License - Term "telehealth" not used		No	Class C Misdemeanor (Code of Ala. §34-26-42): - Required $100-500 fine - No possible imprisonment
ALASKA	No	No		Yes (12 AAC 60.035) - May practice psychology for no more than 30 days in a 12-month period - A psychologist may only request this once during his/her lifetime - Must apply for license exemption in advance	Class B Misdemeanor (Alaska Stat. §08.86.210; §12.55.035; §12.55.135) - Possible fine up to $2000 AND/OR - Possible imprisonment up to 90 days
ARIZONA	Yes (A.R.S. §36-3601, 36-3602, 36-3603) - Psychologists are included under the definition of "health care providers" who may practice telemedicine - Statute not drafted by the Arizona Psychology Board	Yes (A.R.S. §36-3601, 36-3602, 36-3603) - The term telemedicine is defined and may be practiced within the state by various "health care providers" - However, health care providers must practice telemedicine through the Arizona Telemedicine Network, which is run by the University of Arizona Health System - With limited exceptions, patients		Yes (A.R.S. §32-2073) - May not exceed 20 days per year - Does not appear to require an application for exemption in advance - The client, public, or consumer must be made aware that the psychologist is not licensed in the state	Class 2 Misdemeanor (A.R.S §32-2084, §13-707; 13-802) - Possible fine up to $750 AND/OR - Possible imprisonment up to 4 months

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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		must provide verbal or oral consent before telemedicine procedures may be performed			
ARKANSAS	No	Yes (A.C.A. §17-95-206) - Any out-of-state physician performing care on an in-state patient must hold an Arkansas medical license - Does not use the terms telehealth or telemedicine		No	General Misdemeanor (A.C.A. §17-97-301) - Required $500-$1000 fine - No possible imprisonment
CALIFORNIA	Yes (Cal. Bus & Prof Code §2904.5) - Statute explicitly includes psychologists under the "licentiate" definition, and telemedicine statute applies to the profession - Statute not drafted by the California Psychology Board	Yes (Cal. Bus & Prof Code §2290.5) - Statute defines telemedicine - Applies to activities between patient and practitioner - Practitioner must be licensed in CA for statute to apply - Requires licentiate to acquire verbal and written consent from patient - Exemptions for emergency situations		Yes (Cal. Bus & Prof Code §2912) - Licensed out-of-state psychologists may practice for a period not to exceed 30 days in California - Statute does not include a pre-registration requirement	General Misdemeanor (Cal. Bus & Prof Code §2970) - Possible fine up to $2000 AND/OR - Possible imprisonment up to 6 months
COLORADO	No	Yes (C.R.S. §12-36-106; § 25.5-5-414) - Statute includes "the delivery of telemedicine" as an action falling under the practice of medicine - Accordingly, a physician must hold an in-state license to use telemedicine procedures - Definition and legislation intent		No	Class 2 Misdemeanor (first-offense) or Class 6 Felony (subsequent offense) (C.R.S. §12-43-226) Class 2 Misdemeanor: - Required $250-$1000 fine or 3-12 months imprisonment or both Class 6 Felony: - Required $1k-$100k fine

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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		of telemedicine provision expressed (25.5-5-414)			- Required 12-18 months imprisonment
CONNECTICUT	No	No		No	General Misdemeanor (Conn. Gen. Stat. §20-193) - Possible $500 fine AND/OR - Possible imprisonment up to 5 years
DELAWARE	No	No		Yes (24 Del. C. §3510) - Licensed out-of-state psychologist may practice for no more than 6 days per calendar year - Statute does not require advanced registration	General Misdemeanor (24 Del. C. §3520) - Required $500-$1000 fine for first offense - Required $1000-$2000 fine for subsequent offense AND/OR - Possible imprisonment up to 1 year for each violation
DISTRICT OF COLUMBIA	No	No		Yes (CDCR 17-4014; CDCR 17-4007) - Licensed out-of-state health professionals may be granted a temporary license or certificate by reciprocity from the board regulating the occupation - Licensure requirements in the home state must be "substantially equivalent" to the requirements in the District - Valid for 90 days - Boards may also issue written temporary licenses to an individual when "necessary to protect the health and welfare of	As of March 2010, the preexisting D.C. Code provisions regulating psychologists have been repealed and appear to be under revision.

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Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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				the citizens of the District" - To qualify under this, an individual must be (i) an applicant from another jurisdiction applying for licensure by reciprocity or endorsement or (ii) an applicant who has meet all qualifications for a license and has applied to take the next scheduled licensure examination - Also, valid for 90 days	
FLORIDA	No	No	See Board's opinion dated 06/05/06 stating that teletherapy constitutes practice of psychology requiring Florida licensure http://www.doh.state.fl.us/mqa/psychology/Petitions/DOH_06-0976.pdf	Yes (Fla. Stat. §490.014) - Licensed out-of-state psychologist may practice for no more than 5 days in any month and no more than 15 days in any calendar year - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Florida - No advanced registration requirement	1st Degree Misdemeanor (Fla. Stat. §490.012; §775.082; §775.083) - Possible fine up to $1000 AND/OR - Possible imprisonment up to 1 year
GEORGIA	Yes (Ga. Comp. R. & Regs. r. 510-5-.07) - Provision stipulates that psychologists practicing through electronic transmission must meet the same legal and ethical standards as if providing	Yes (O.C.G.A. §43-34-31) - Any out-of-state physician performing care on an in-state patient must hold an Georgia medical license - Does not use the terms telehealth or telemedicine	See § 510-5-.07(2) of Georgia Rules Of State Board Of Examiners Of Psychologists-- http://rules.sos.state.ga.us/docs/510/5/07.pdf)	Yes (O.C.G.A. §43-39-7) - Licensed out-of-state psychologist may practice for no more than 30 days in any calendar year - Licensure requirements in the home state of the psychologist must be equivalent to or exceed	General Misdemeanor (O.C.G.A. §43-39-19) - Required $100-$1000 fine AND/OR - Possible imprisonment up to 12 months

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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	services in person - This standard applies to psychologists who are licensed in Georgia and to psychologists residing outside of the state that provide services to patients located in-state.			the licensing requirements in Georgia - At least 5 days advanced registration requirement (§510-0-.03)	
HAWAII	No	Yes (HRS §453-1.3) - Allows for the use of telemedicine by physicians only - To establish a physician-patient relationship with a patient located in Hawaii, the physician must hold a valid Hawaiian medical license		Yes (9) - Licensed out-of-state psychologist may practice for a period not to exceed 90 days in any calendar year - Must petition the board for a temporary permit in advance - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Hawaii	General Misdemeanor (HRS §465-15) - Possible fine up to $1000 AND/OR - Possible imprisonment up to one year
IDAHO	No	Yes (Idaho code §54-1705; §54-1723A) - Idaho allows telepharmacy practices by in-state licensed pharmacists and out-of-state licensed pharmacists who first register with the state board - Statute defines the practice of telepharmacy across state lines to when a patient is located within the state and pharmacist is located outside the state		Yes (Idaho code §54-2305) - The Board has the power to adopt rules allowing for out-of-state licensed practitioners to practice in the state for a period not to exceed 30 days - Does not mention advanced registration requirements	General Misdemeanor (Idaho Code §54-2310) - Possible fine up to $1000 AND/OR - Possible imprisonment up to 6 months

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Hand Carry
Agenda Item

American Psychological Association

Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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ILLINOIS	No	Yes (§225 ILCS 60/49.5) - Telemedicine statute for medical profession – not for psychologists - Doctor practicing telemedicine must be licensed in Illinois - Defines telemedicine practices which do NOT include: periodic consultations between licensed IL doctor and out-of-state patient, and second opinions - Statute explicitly subjects an out-of-state violator to the jurisdiction of IL state courts		Yes (§225 ILCS 15/11.5) - Licensed out-of-state psychologists may practice for up to 10 days in the state per year - Must apply for temporary authorization in advance	Civil Penalty (225 ILCS 15/16.5) - Required civil penalty fine not to exceed 10k for each offense
INDIANA	No	Yes (Burns Ind. Code Ann. §25-22.5-1-1.1) - Providing diagnostic or treatment services to in-state patients through electronic communications is included in the practice of medicine and requires an in-state medical license - Statute does not use the terms telemedicine or telehealth		Yes (Burns Ind. Code Ann. §23-33-1-4.5) - Licensed out-of-state psychologists may receive a temporary permit for not more than 30 days every 2 years - Must apply in advance for the permit	Class A Misdemeanor (Burns Ind. Code Ann. §25-33-1-15; 35-50-3-2) - Possible fine up to $5000 AND/OR - Possible imprisonment up to 1 year
IOWA	No	No	** Iowa has created a state-run telecommunication network to more efficiently coordinate communications on state government matters (751 IAC 1.1 (17A, 8D) ** This network is accessible to various	Yes (645 IAC 240.8 (154B)) - Licensed out-of-state psychologists may practice for a period not to exceed 10 consecutive business days or 15 business days in any 90 day period - Must file a summary of	"Serious" Misdemeanor (Iowa Code §147.86) - Statute silent as to fine and/or imprisonment penalties for committing this infraction - Iowa Psychology Board may impose civil fine up to $1000 (645 IAC 242.3)

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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			professionals, including psychologists (751 IAC 7.11 (8D))	intention with the board beforehand - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Iowa	
KANSAS	No	Yes (K.A.R. §100-26-1) - Services rendered to in-state patients must be performed by physicians holding a Kansas medical license - This includes electronic communications made to patients - However, out-of-state physicians may provide oral, written, or electronic communications to in-state patients provided these services are incidental to lawfully performed services - Statute does not use the terms telemedicine or telehealth		Yes (K.S.A. §74-5316a) - Licensed out-of-state psychologists may practice for no more than 15 days per year - Practitioners may request an additional 15 days when good cause is shown for the additional time period - Must submit an application and receive board approval before practicing	Class A Misdemeanor (K.S.A. §74-5341; §21-4502; §21-4503a) - Possible fine up to $2500 AND/OR - Possible imprisonment up to 1 year
KENTUCKY	Yes (§KRS 319.140) - Applicable telehealth provision for psychologists - Defines telehealth as the use of audio, video, or other electronic means to deliver health care - Requires informed consent by patient and confidentiality measures	Yes - Identically worded telehealth provisions exist for many other health professions, such as: Physicians (KRS §311.5975); Chiropractors (KRS §312.220); Dentists (KRS §313.255); Nurses KRS §314.155)		Yes (KRS § 319.015) - Licensed out-of-state psychologists may practice for no more than 30 days every 2 years - Must register with the board beforehand	General Misdemeanor (KRS §319.990) - Possible fine up to $500 AND/OR - Possible imprisonment up to 6 months

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Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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	- 201 KAR 26:215 (Section 5) allows an out-of-state licensed psychologist to practice via telephonic or electronic methods on in-state patients after receiving board approval				
LOUISIANA	No	Yes (La. R.S. §37:1276.1; §37:1271) - Statute grants in-state licensed physicians the right to practice telemedicine in the state - Licensed out-of-state physicians may also practice telemedicine if they apply for a telemedicine license in Louisiana - Telemedicine license holders agree to not open an in-state office, to not meet with Louisiana patients, and to not receive calls in Louisiana from patients		Yes (La. R.S. §37:2365) - Licensed out-of-state psychologist may practice psychology in the state for a period not to exceed 30 days in any calendar year - However, the out-of-state psychologist's practice must be associated with a psychologist who is licensed in Louisiana - The out-of-state psychologist's state also must have a similar license exception privilege in place	General Misdemeanor (La. R.S. §37:2360) - $100-$500 fine AND/OR - Possibly imprisonment up to 6 months

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Hand Carry
Agenda Item

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Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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MAINE	No	Yes (CMR 02-373-001) - Statute defines telemedicine as the practice of medicine through the use of any electronic means - Telemedicine occurs in the state where the patient is located at time of examination - Physicians practicing telemedicine in Maine must hold a Maine license		No	Class E Crime (10 M.R.S. §8003-C; §1252) - Required $100-$2000 fine AND/OR - Possible 6 months imprisonment
MARYLAND	No	Yes (COMAR 10.41.06.01; Md. Health Occupations Code Ann. §2-205) - The terms telehealth and telemedicine are defined by the Board of Examiners for Audiologists - Statute grants the Board of Audiologists the right to govern the use of telehealth communications by its professionals - Telemedicine defined by the Board of Physicians (COMAR 10.32.05.02)		Yes – psychologist may petition the Board in writing for a temporary exception to practice psychology in Maryland http://www.dhmh.state.md.us/psych/htm/faq.htm	General Misdemeanor (Md. Health Occupations Code Ann. §18-404) - Possible fine up to $500 AND/OR - Possible imprisonment up to 6 months
MASSACHUSETTS	No	No	See policy on Massachusetts Board of Registration of Psychologists website: http://www.mass.gov/?pageID=ocaterminal&L=6&L0=Home&L1=Licensee&L2=Div	No Note that Section 123 exempts, inter alia, persons eligible for licensure under section 119 who provide consultative services for a fee no more than one day a	General Misdemeanor (ALM GL ch. 112, §122) - Possible fine up to $500 AND/OR - Possible imprisonment up to 3 months

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Telehealth 50-State Review

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			ision+of+Professional+Licensure+Boards&L3=Board+of+Registration+of+Psychologists&L4=Statutes+and+Regulations&L5=Board+Policies+and+Guidelines&sid=Eoca&b=terminalcontent&f=dpl_boards_py_policy_electronic_services&csid=Eoca	month from penalties for unlicensed practice outlined in Section 122.	
MICHIGAN	No	No		No	Felony (MCL §333.16294) - Silent as to fine and/or imprisonment penalties
MINNESOTA	No	Yes (Minn. Stat. §147.032) - Grants licensed out-of-state physicians who annually register with the state board the right to practice telemedicine - Cannot open an office within the state, meet with patients in the state, or receive phone calls in the state from patients - Not subject to telemedicine registration requirements when responding to an emergency, when providing services on a irregular or infrequent basis, or when providing services in consultation with a licensed Minnesota physician	** Mental health services provided by two-way interactive video are covered for insurance purposes (Minn Stat. 256B.0625) ** Same rates apply for insurance repayment as if face-to-face services provided	Yes (Minn. Stat. §148.916) - Licensed out-of-state psychologists may practice in the state for no more than 7 calendar days - May practice up to 30 days per year if apply for a guest licensure - Application for guest licensure must be received at least 30 days before the expected date of practice and be approved by the board	Gross Misdemeanor (Minn. Stat. §138.941; §609.0341) - Possible fine up to $1000 AND/OR - Possible imprisonment up to 1 year
MISSISSIPPI	No	Yes (Miss. Code Ann. §73-25-34)		Yes (CMSR 50-021-001)	General Misdemeanor (Miss. Code

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

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		- Defines telemedicine as the practice of medicine by a physician located out-of-state on a patient located in-state - Must hold an in-state license to practice telemedicine within the state - Exception exists when a licensed in-state physician requests the assistance of an out-of-state physician on a patient matter		- Licensed out-of-state psychologist may practice for no more than 10 days during a consecutive 12 month period - Must report nature of practice intention and provide a copy of current license to the board before practicing	Ann. §73-31-23) - Possible fine up to $300 AND/OR - Possible imprisonment up to 60 days
MISSOURI	No	Yes (§334.010 R.S. Mo.) - Services rendered "across state lines" to in-state patients must be performed by physicians holding a Missouri medical license - Various exceptions exist for this rule – the primary one allowing for the situation where an out-of-state physician's services are rendered in consultation with a licensed Missouri physician and the Missouri physician maintains the ultimate source of authority		Yes (§337.045 R.S. Mo.) - Licensed out-of-state psychologist may practice for no more than 10 consecutive business days in any 90 day period - Also, aggregate may not exceed 15 business days in any 9-month period - No mention of a need to pre-register	Class A Misdemeanor (§337.065 R.S. Mo.; §558.011) - Possible fine up to $1000 AND/OR - Possible imprisonment up to 1 year
MONTANA	Yes (Mont. Admin. R. 24.189.607) - A professional relationship with a psychologist may be established in a context where services are	Yes (Mont. Code Anno., §37-3-301) - Montana issues four types of physician licenses, one being a telemedicine license - Telemedicine license given to		Yes (Mont. Code Anno., §37-17-104) - Licensed out-of-state practitioner may practice for no more than 60 days during a calendar year	General Misdemeanor (Mont. Code Anno. §37-17-312) - Possible fine up to $500 AND/OR - Possible imprisonment up to 6 months

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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	transmitted via electronic or related methods - The context must also be (i) two-way, (ii) interactive, (iii) real-time, (iv) simultaneous, (v) continuous, and (vi) providing for both audio and visual interaction	licensed out-of-state physicians who perform evaluations relating to treatment or correction of in-state patient's physical or mental conditions (§37-3-342) - May only practice telemedicine and not authorized to practice medicine while physically present in the state (§37-3-343) - Must apply to the board for licensure and meet various requirements (§37-3-345) - Montana also allows telepharmacy practices (Mont. Admin. R. 24.174.1302)		- If practicing for more than 10 days the psychologist must report to the department the nature and extent of the services	
NEBRASKA	No	Yes (R.R.S. Neb. §38-2024) - Licensed out-of-state physicians rendering services to in-state patients must hold a Nebraska medical license - This statute does not use the terms telemedicine or telehealth - Nebraska also allows for telepharmacy practices (R.R.S. Neb. §71-2445)		Yes (R.R.S. Neb. §38-3119) - Licensed out-of-state practitioner may practice for no more than 30 days per year - Must notify the department of the nature and location of practice - Department must issue a letter granting the psychologist the right to practice. - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Nebraska	Class II Misdemeanor (R.R.S. Neb. §38-3130) - Possible fine up to $1000 AND/OR - Possible imprisonment up to 6 months
NEVADA	No	No		Yes (Nev. Rev. Stat. Ann. §641.410)	Gross Misdemeanor (Nev. Rev. Stat. Ann. §641.440; §193.140)

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Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

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				- Licensed out-of-state practitioner may practice for no more than 30 days in any calendar year provided s/he is invited as a consultant by a psychologist licensed in Nevada - Must submit an application for approval at least 30 days before beginning the practice - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Nevada	- Possible fine up to $2000 AND/OR - Possible imprisonment up to 1 year
NEW HAMPSHIRE	No	Yes (RSA 329:1-b) - New Hampshire allows for teleradiology - Must be performed by an individual holding a New Hampshire medical license	** New Hampshire Telemedicine Act (2009) defines telemedicine and requires that its practice be covered under health care (RSA 415-J:3)	No	Class A Misdemeanor (RSA §330-A:23; 625:9, 651:2) if a natural person - Possible fine up to $2000 AND/OR - Possible imprisonment up to 1 year Felony if committed by any other person (§330-A:23)
NEW JERSEY	No	No		Yes (N.J. Stat. §45:14B-6) - Licensed out-of-state practitioner may practice for no more than 10 consecutive business days or 15 business days in any 90 day period - Must provide a minimum of 10 days written notice of intention to practice	General Misdemeanor (N.J. Stat. §45:1-11; §45:1-25) - Possible fine up to 10k for first offense - Possible fine up to 20k for subsequent offense(s) - No mention of imprisonment

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Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

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				- Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in New Jersey	
NEW MEXICO	No	Yes (N.M. Stat. Ann §61-6-11.1) - Telemedicine license granted to out-of-state physicians practicing on in-state patients - Must file for this license to practice telemedicine - Licenses can be renewed		Yes (N.M. Stat. Ann. §61-9-10.1) - Licensed out-of-state practitioner may practice for up to 6 months in New Mexico - Temporary license expires after 6 months and is not subject to extension or renewal - Must register with the board by completing an application form and paying a fee (N.M. Stat. Ann. §16-22.5-13)	General Misdemeanor (N.M. Stat. Ann. §61-9-14) - Possible fine up to $1000 AND/OR - Possible imprisonment up to 3 months
NEW YORK	No	No		Yes (NY CLS Educ §7605) - Licensed out-of-state practitioner may practice for up to 10 consecutive business days in any period of 90 consecutive days - May also not exceed 15 aggregated business days in any such 90 day period - Must file with the department before practicing	Class E Felony (NY CLS Educ §6512; §70.00; §80.00) - Possible fine not to exceed the higher of $5000 or double the amount of gain from the commission of the crime - Required imprisonment of 1-4 years
NORTH CAROLINA	No	Yes (NC Gen. Stat. 90-18) - Services rendered in-person or by use of electronic	See website for copy of Board's opinion: http://ncpsychologyboard.org/office/ElectronicServices.	Yes (N.C. Gen. Stat. §90-270.4) - Licensed out-of-state practitioner may practice for up	Class 2 Misdemeanor (N.C. Gen. Stat. §90-270.17; §14-3) - Possible 6 months imprisonment

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
		communications to in-state patients must be performed by physicians holding a North Carolina medical license - Exceptions exist for physicians who provide services on an irregular basis in consultation with a licensed North Carolina physician or personal at a medical school - Statute does not use the terms telehealth or telepractice	htm	to 5 days in any calendar year - Must notify board in advance - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in North Carolina	
NORTH DAKOTA	No	No	** Telemedicine mentioned in a statute covering control substances dispensed by means of the internet (N.D. Cent. Code §19-03.1-22.4) - Reference s the definition of telemedicine under 21 USCS §802	Yes (N.D. Cent. Code §43-32-30) - Licensed out-of-state practitioner may practice for up to 30 days in any calendar year - Must notify the board in advance	Class B Misdemeanor (N.D. Cent. Code §43-32-31) - Possible fine up to $1000 dollars AND/OR - Possible imprisonment up to 30 days
OHIO	No	Yes (ORC Ann. 4731.296) - Any licensed out-of-state physician wishing to practice telemedicine in-state must file for an application for a telemedicine certificate - State may also grant a special activity certificate to any licensed person seeking to practice medicine at a special activity, program, or event taking place in the state (§4731.294) - Special certificate valid for the		Yes (ORC Ann. 4732.22) - Licensed out-of-state practitioner may practice for a period not to exceed 30 days in a year - Must be approved by the board - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Ohio	General Misdemeanor (ORC Ann. 4732.99) - Required fine between $100 and $500 dollars AND/OR imprisonment for not less than 6 months nor more than 1 year

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
		shorter of 30 days or the duration of the specific event or activity			
OKLAHOMA	No - No specific statutory rules toward telehealth and the psychology field - However, the term telemedicine is defined and mentioned in the Mental Health Law of 1986 (see 43A Okl. St. §1-103; 5-206	Yes (36 Okl. St. §6802) - Practice of telemedicine defined - Requires the patients' informed consent (§6804) - Statute provides very little regulation guidance	** Telemedicine practices covered under health care plans (36 Okl. St. §6803) ** See *Kennedy v. Freeman* (919 F.2d 126) ** See Attorney General of Oklahoma Opinion 00-041 http://www.oklegal.onenet.net/oklegal-cgi/ifetch?okag+1210534610808+F	Yes (59 Okl. St. §1353) - Licensed out-of-state practitioner may practice for no more than 5 days during a calendar year - Must notify the board before practicing	General Misdemeanor (59 Okl. St. §1374) - Possible fine up to $500 dollars AND/OR - Possible imprisonment up to 6 months
OREGON	No	Yes (Or. Admin R. 410-130-0610) - Very vague definition of telemedicine found under medical surgical services statute - Defines as the use of telephonic or electronic communication to medication information from one site to another to improve a patient's health status - Provides no other guidance	** Detailed insurance provider rules for telemedicine services under Or. Admin R. 410-130-0610 ** Detailed procedures for individuals performing unlicensed practice of law violations (ORC 675.020(2); 675.010(4))	Yes (ORS §674.063; Or. Admin. R. 858-010-0055) - Licensed out-of-state practitioner may practice for a period of not more than 180 days in any 24 month period - Must submit an application to the board before practicing - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Oregon - In addition, visitor's permits may be issued to licensed out-of-state psychologists who do not intend to seek full licensure in Oregon	Class C Misdemeanor (ORS §675.990; §161.615) - Possible fine up to $6250 dollars AND/OR - Possible imprisonment up to 1 year

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
				- Must submit an application for a visitor's permit and include specifics such as location where planning on practicing - Visitor's permits are valid for no more than 30 days in any 12-month period	
PENNSYLVANIA	No	No		No	General Misdemeanor (63 P.S. §1211) For 1st offense: - Possible fine up to $1000 dollars AND/OR - Possible imprisonment up to 6 months For each additional offense: - Required fine of $2000 AND/OR imprisonment of not less than 6 months nor more than 1 year
RHODE ISLAND	No	No	Email communication from RI Board Administrator dates 4/20/10 indicates that the RI psychology board views provision of tele-mental services as requiring licensure in RI. It may also be possible to provide services under the temporary licensure provision. RI General Law 5-44-23 (h). It should be noted that the board	Yes (R.I. Gen. Laws §5-44-23) - Licensed out-of-state practitioner may practice without obtaining an in-state license for up to 10 days per calendar year with no more than 5 days of this activity occurring consecutively - No requirement to register in advance	General Misdemeanor (R.I. Gen. Laws §5-44-21) - Possible fine up to $500 dollars

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Telehealth 50-State Review

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
			equates 1 teletherapy session to using 1 calendar day of the 10 calendar day limit		
SOUTH CAROLINA	No	Yes (S.C. Code Ann §40-47-20(36)(e)) - The "practice of medicine" includes services rendered by out-of-state physicians in-person or by the use of electronic communications to in-state patients - Must hold a South Carolina medical license to perform such services - Statute does not mention telehealth or telemedicine		Yes (S.C. Code Ann §40-55-110) - Licensed out-of-state practitioner may practice for up to 60 days in the calendar year if successfully petition the board for a temporary permit - Petition must be made before practice begins - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in South Carolina	Felony (S.C. Code Ann §40-55-170) - Required fine up to 50k or imprisonment up to 1 year
SOUTH DAKOTA	No	Yes (S.D. Codified Laws §36-4-41) - Services rendered by out-of-state physicians to in-state patients are considered the practice of medicine - Resultantly, out-of-state physicians must hold a South Dakota medical license - Another statute allows for practice of telepharmacy in the state (S.D. Codified Laws §36-11-72) and establishes the basic rules for practicing telepharmacy		Yes (S.D. Codified Laws §36-27A-2) - Licensed out-of-state practitioner may not practice for an aggregate exceeding 20 days during a calendar year - If exceed 10 consecutive days of practice in any year then must report to the board in writing the nature and extent of practice	Class 2 Misdemeanor (S.D. Codified Laws §22-6-2) - Possible $500 dollar fine AND/OR - Possible 30 days imprisonment

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Hand Carry
Agenda Item

American Psychological Association

Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
TENNESSEE	No	Yes (Tenn. Code Ann. §63-6-209) - Board may issue telemedicine licenses to licensed out-of-state physicians - Telemedicine license allows out-of-state physicians to diagnose and treat patients in Tennessee across state lines - Statute creates certain exceptions where a telemedicine license is not required (Tenn. Comp. R. & Reg. R. 0880-2-.16 - These exceptions include: emergency situations, where less than 1% of physicians' practice consists of telemedicine practices across state lines (or contact occurs less than once a month or involves fewer than 10 patients on annual basis), uncompensated practice		Yes (Tenn. Code Ann. §63-11-211) - Licensed out-of-state practitioner may practice for no more than 12 days per year for such purposes as special training or consultation, speciation evaluation or intervention, or serving as an expert witness - Must receive board approval in advance	Class B Misdemeanor (Tenn. Code Ann. §63-11-206; 40-35-111) - Possible fine up to $500 AND/OR - Possible imprisonment up to 6 months
TEXAS	No	Yes (Tex. Occ. Code §111.002-004) - Specific statute allowing for the practice of telemedicine and telehealth - Requires informed patient consent and confidentiality - Statute grants the Texas State Board of Medical Examiners, in consultation with the commissioner of insurance, the	See Texas State Board of Examiners of Psychologists' website for policy statement on telepractice: http://www.tsbep.state.tx.us/newsletter_12_2.html	Yes (Tex. Occ. Code §501.263; 22 TAC §463.27) - The Board may grant licensed out-of-state practitioners a temporary permit to practice - Must submit an application to the board - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in	Class A Misdemeanor (Tex. Occ. Code §501.503; Tex. Penal Code §12.21) - Possible fine up to $4000 dollars AND/OR - Possible imprisonment up to 1 year - Additional civil penalty of $1000 for each day of the violation

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
		power to adopt additional rules; this most likely would include regulating cross-border matters – although no specific statutory rules exist on this issue) - Requires a face-to-face consultation between a patient and physician when the physician has not seen the patient following an initial telemedicine service - Texas has created pilot telehealth programs for other health professions (Tex. Gov't Code §531.02171)		Texas - Temporary license is valid for a period not longer than 30 days from the time the application is approved - Licensed out-of-state practitioner must be supervised by a licensed Texas psychologist	
UTAH	No	Yes (U.A.C. R432-100-32) - Grants hospitals the right to engage in telemedicine practices - If a hospital chooses to use telemedicine, the hospital itself must develop and implement governance practices	** Establishes rules governing reimbursement policies when telemedicine health care services are provided to patients (Utah Code Ann. §26-18-13)	Yes (Utah Code Ann. §58-1-307) - Licensed out-of-state practitioners may practice in the state only if called for a consultation by an individual licensed in Utah - Services performed must be limited to the consultation - Time period is not to exceed the duration of the consultation event - No specific language requiring advanced notification to the board	3rd Degree Felony (Utah Code Ann. §58-61-501) - Possible fine up to $5000 dollars AND/OR - Possible imprisonment up to 5 years
VERMONT	Yes (26 V.S.A §3018) - Psychologists who provide	No	See the Vermont Board of Psychological Examiners website for disclosure	Yes (CVR 04-030-270) - Licensed out-of-state	General Misdemeanor (3 V.S.A. §127; 26 V.S.A. §3002)

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
	services via electronic means are deemed to be engaging in telepractice - Must hold an in-state license to conduct telepractice on Vermont based patient		requirements (per Rule 3.10) for psychologists who provide services via the Internet or other electronic means: http://vtprofessionals.org/opr1/psychologists/telepractice.asp Rule 3.10 – Telepractice: http://vtprofessionals.org/opr1/psychologists/rules/PSY_Rules.pdf	practitioner may practice for no more than 10 days or 80 hours in any 12-month period - Must apply with the Board in advance	- Possible fine up to $5000 dollars AND/OR - Possible imprisonment up to 1 year
VIRGINIA	No	No	See policy statement issued by Virginia Board of Counseling that we were informed by the Virginia Board of Psychology that it, too, relies on regarding telehealth issues: http://www.dhp.state.va.us/counseling/guidelines/115-1.4%20Technology-Assisted.doc	Yes (Va. Code Ann. §54.1-3601) - Licensed out-of-state practitioner may apply for a temporary license in Virginia - Must work in consultation with a licensed in-state psychologist - Board sets time frame in its discretion	Class 1 Misdemeanor or Class 6 Felony (Va. Code Ann. §54.1-111; 18.2-10) 1st offense = Class 1 Misdemeanor - Possible fine up to $2500 dollars AND/OR - Possible imprisonment up to 12 months Additional offense within 36 month period = Class 6 Felony - 12 months imprisonment and fine up to $2500 dollars AND / OR mandatory imprisonment between 1-5 years ** Mandatory civil penalty between $200-$5000 per violation

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Hand Carry
Agenda Item

American Psychological Association

Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
WASHINGTON	No	Yes (Rev. Code Wash. §74.09.735) - Registered nurses allowed to practice telemedicine in home health care service situations		Yes (Rev. Code Wash §18.83.082) - Licensed out-of-state practitioner may practice for a period not to exceed 90 days within a calendar year - Must petition the board in advance - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Washington	Gross Misdemeanor (Rev. Code Wash. §18.83.180; 9.92.020) - Possible fine up to $5000 dollars AND/OR - Possible imprisonment up to 1 year
WEST VIRGINIA	No	Yes (W. Va. Code §30-3-13) - Definition of telemedicine as the use of electronic technologies to diagnosis and treat in-state patients by out-of-state physicians - Must hold a valid in-state license or be licensed under the provisions of this article to conduct telemedicine - Applies to the practice of medicine, surgery, or podiatry		Yes (W. Va. Code §30-21-3) - Licensed out-of-state psychologist may practice for a period not to exceed 10 days in any calendar year - Must not establish a regular place of practice in the state - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in West Virginia - Must petition the board in advance	General Misdemeanor (W. Va. Code §30-21-13) - Possible fine up to $500 dollars AND/OR - Possible imprisonment up to 6 months
WISCONSIN	Yes (Wis. Adm. Code Psy. 2.14) - Explicitly notes that	No		Yes (Wis. Stat. §455.03) - Licensed out-of-state psychologist may practice for not	General Misdemeanor (Wis. Stat. §455.11) - Possible fine up to $200 AND/OR

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American Psychological Association
Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
	psychologists provide services in the state whenever the patient is located in the state - This holds true regardless of whether the psychologist is temporary located in the state or providing electronic or telephonic means from the state where the psychologist is licensed - Never uses any form of the word telehealth See Wisconsin Psychology Examining Board website – Practice FAQs for Board's position on teletherapy & internet therapy: http://drl.wi.gov/profdetail.asp?pdetailid=2759&profid=44&locid=0			more than 60 working days in any year without holding a valid Wisconsin license - Must report to the board the nature and extent of practice if exceed 20 working days within a year - Licensure requirements in the home state of the psychologist must be equivalent to or exceed the licensing requirements in Wisconsin	- Possible imprisonment up to 6 months

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Hand Carry
Agenda Item

American Psychological Association

Practice Directorate, Legal & Regulatory Affairs

Telehealth 50-State Review

March 2010

State	Psychologist Telehealth Provision	General Telehealth Provision	Other Notable Activities	Temporary / Guest License Availability	Penalties for Violation
WYOMING	No	Yes (Wyo. Stat. §33-26-102) - Telemedicine is defined as the practice of medicine by electronic communications from a physician in a location to a patient in another location - No rules or guidance is provided - Applies to physicians and surgeons		Yes (Wyo. Stat. §33-27-117) - Licensed out-of-state practitioner may practice for not more than 30 working days in any year - Must report the nature and extent of the practice to the board if that practice exceeds 20 working days in any one calendar year - Licensure requirements in the psychologist's home state must be equivalent to or exceed the licensing requirements in WY	General Misdemeanor (Wyo. Stat. §33-27-119) - Possible fine up to $750 dollars AND/OR - Possible imprisonment up to 6 months

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