WEST virginia legislature

2021 regular session

Introduced

House Bill 2004

By Delegates Summers, Rohrbach, Worrell, Tully, B. Ward, L. Pack, Reynolds, Rowan, Westfall, J. Pack, and Espinosa

[Introduced February 10, 2021; Referred to the Committee on Health and Human Resources]

A BILL to amend and reenact §30-1-25 of the Code of West Virginia, 1931, as amended, relating to healthcare practitioners being licensed in the state in which he or she practices and being registered with the appropriate board in West Virginia for the purposes of telehealth.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

**§30-1-25. Telehealth practice.**

(a) For the purposes of this section:

“Health care practitioner” means a person licensed under §30-1-1 *et seq.* who provides health care services.

“Telehealth services” means the use of synchronous or asynchronous telecommunications technology by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include audio-only telephone calls, e-mail messages, or facsimile transmissions.

(b) Unless already provided for by statute or legislative rule, a health care board, referred to in this chapter, shall propose a rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* to regulate telehealth practice by a telehealth practitioner. The proposed rule shall consist of the following:

(1) The practice of the health care service occurs where the patient is located at the time the telehealth technologies are used;

(2) The health care practitioner who practices telehealth ~~must be licensed as provided in this chapter~~ shall be licensed in the state in which he or she is located and registered with the appropriate board in West Virginia;

(3) When the health care practitioner patient relationship is established;

(4) The standard of care;

(5) A prohibition of prescribing schedule II drugs, unless authorized by another section; and

(6) Implement the provisions of this section while ensuring competency, protecting the citizens of this state from harm, and addressing issues specific to each profession.

NOTE: The purpose of this bill is to permit a licensed health care professional from another to state to practice in this state through telehealth when registered with the appropriate West Virginia board.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.