WEST virginia legislature

2021 regular session

Committee Substitute

for

House Bill 2004

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

[Originating in the Committee on Health and Human Resources; Reported on February 11, 2021]

A BILL to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating to telehealth; establishing a registration; permitting healthcare practitioners licensed in other states to practice in West Virginia using telehealth services and providing rulemaking authority.

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.

**§30-1-26. 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 an emergency 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.