

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2004

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[Originating in the Committee on Health and Human

Resources; Reported on February 11, 2021]

1 A BILL to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended, relating
2 to telehealth; establishing a registration; permitting healthcare practitioners licensed in
3 other states to practice in West Virginia using telehealth services and providing rulemaking
4 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.

1 (a) For the purposes of this section:

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

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

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

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

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

- 19 (3) When the health care practitioner patient relationship is established;
- 20 (4) The standard of care;
- 21 (5) A prohibition of prescribing schedule II drugs, unless authorized by another section;
- 22 and
- 23 (6) Implement the provisions of this section while ensuring competency, protecting the
- 24 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.