

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 61

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO TELEHEALTH ACCESS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 54-5714, IDAHO CODE, TO PROVIDE FOR INTER-
3 STATE MENTAL AND BEHAVIORAL TELEHEALTH; AND DECLARING AN EMERGENCY AND
4 PROVIDING AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 57, Title 54, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 54-5714, Idaho Code, and to read as follows:

10 54-5714. INTERSTATE TELEHEALTH -- MENTAL AND BEHAVIORAL HEALTH. (1)
11 For purposes of this section, a mental or behavioral health provider is a
12 provider pursuant to section 54-5703(4), Idaho Code, who is licensed or
13 registered in another state, district, or territory of the United States to
14 practice mental or behavioral health care.

15 (2) A mental or behavioral health provider who is not licensed in Idaho
16 may provide telehealth services to an Idaho resident or person located in
17 Idaho, notwithstanding any provision of law or rule to the contrary, pur-
18 suant to the requirements and limitations of this section.

19 (3) In addition to the other requirements of this section, a mental or
20 behavioral health provider who engages in interstate telehealth services
21 pursuant to this section must:

22 (a) Hold current, valid, and unrestricted licensure from an applicable
23 health care licensing authority in a state, district, or territory of
24 the United States that has substantially similar requirements for li-
25 censure as the corresponding Idaho licensing authority;

26 (b) Not be subject to any past or pending disciplinary proceedings, ex-
27 cluding any action related to nonpayment of fees related to a license;

28 (c) Act in full compliance with all applicable laws, rules, and reg-
29 ulations, including this chapter and laws and rules of the applicable
30 Idaho licensing authority regarding such mental or behavioral health
31 care practice;

32 (d) Act in compliance with any existing Idaho requirements regarding
33 the maintenance of liability insurance;

34 (e) Consent to Idaho jurisdiction; and

35 (f) Biennially register in Idaho to provide telehealth services.

36 (4) The standard of care under this section shall be the Idaho community
37 standard of care.

38 (5) A mental or behavioral health provider who fails to comply with
39 applicable Idaho laws, rules, and regulations shall be subject to investi-
40 gation and disciplinary action by an applicable Idaho licensing authority.
41 Disciplinary action may include but is not limited to revoking the mental
42 or behavioral health provider's Idaho practice privileges, referring the

1 matter to licensing authorities in any states where the mental or behavioral
2 health provider possesses licensure, and civil penalties.

3 (6) Venue for a civil or administrative action initiated by a licensing
4 authority or by a patient who receives telehealth services from an out-of-
5 state mental or behavioral health provider shall be located in the patient's
6 county of residence or in any applicable county in Idaho.

7 (7) Nothing in this section shields a mental or behavioral health
8 provider from personal jurisdiction in Idaho.

9 (8) Nothing in this section shields a mental or behavioral health
10 provider from the requirements of the health insurance portability and ac-
11 countability act of 1996.

12 (9) A licensing authority responsible for issuing licenses to provide
13 mental or behavioral health care services in this state shall register in-
14 terstate telehealth providers pursuant to this section.

15 (10) A licensing authority shall require an applicant for an Idaho reg-
16 istration to complete an application in a form prescribed by the licensing
17 authority that demonstrates to the licensing authority that the applicant
18 is in compliance with the provisions of this section and that such appli-
19 cant consents to the requirements of this section. The licensing author-
20 ity may establish an application registration fee not to exceed thirty-five
21 (\$35.00) dollars.

22 (11) If a licensing authority finds that grounds for discipline against
23 a registered provider exist, such licensing authority:

24 (a) May impose upon the practice privileges of the registration holder
25 any of the penalties that such licensing authority is authorized to im-
26 pose;

27 (b) Shall promptly notify licensing authorities in any state where a
28 provider possesses licensure of any action taken against the telehealth
29 registration practice privileges of a licensee pursuant to this sec-
30 tion; and

31 (c) May bring a civil or administrative action against such provider
32 pursuant to subsection (6) of this section.

33 (12) The registration provided for in this section is not equivalent
34 to Idaho licensure for purposes of in-person services and shall not permit
35 a registrant to provide any in-person services in Idaho. The registration
36 cannot be used as a basis for reciprocal licensure or full licensure in
37 Idaho.

38 SECTION 2. An emergency existing therefor, which emergency is hereby
39 declared to exist, this act shall be in full force and effect on and after
40 July 1, 2023.