

## Telehealth & Multi-State Physician Licensure Checklist

1. Does the physician have an existing license?
2. What state is the physician's resident license?
3. Is the resident licensed in a compact state?
4. Does the physician have licenses in any other states?
5. Is the physician seeking a license in another compact state?
6. Consult the National Practitioner Data Bank (NPDB) for licensing and disciplinary history.  
<http://www.npdb.hrsa.gov>.
7. Find and use the SMB website and state licensing department website for applicable statutes and rules
8. Read the Medical Practice Act for the state where licensure is sought
9. Read all state administrative rules pertaining to licensure in the state where licensure is sought
10. Read the controlled substances act where licensure is sought
11. Obtain the licensure packet from the state medical board in which the new license is desired.
  - a. If the desired state licensing allows. . . use the FSMB website and the uniform application.
  - b. Several states use FSMB to prepare a credentialing packet for a state license. Check to see if desired state uses this system. If so, the credentialing packet (FCVS) will need to be applied for before the physician applies for a state license.
12. Apply for a controlled substance license in the same state if the physician will be prescribing.
  - a. Make sure to obtain a new Drug Enforcement Administration (DEA) registration, which is the federal component for the physician to prescribe controlled substances in another state.
13. Other topics to review state by state:
  - a. Corporate Practice of Medicine (CPOM) State? If so, read the statutory language.
  - b. Fee Splitting Statutes: found in medical practice act and addressed in AMA Code of Medical Ethics.
  - c. Certificate of Need (CON) (states that do not have CON: CA, UT, ID, WY, CO, NM, ND, SD, KS, TX, IN, PA (as of March 2016)) For more state CON info go to:  
<http://www.ncsl.org/research/health/con-certificate-of-need-state-laws.aspx>.
14. Map out the telemedicine core practice standards for the desired state license and ensure an understanding of what can and can't be done by physicians treating patients in that state:
  - a. Is an existing physician patient relationship required?
  - b. Can the physician patient relationship be established via phone call? Audio/Visual? Questionnaire?
  - c. Is a facilitator required?
  - d. What type of consent is required?
  - e. Can the patient be at home or does the patient have to be in another medical facility? (Once an established physician/pt relationship is established does this change?)
  - f. What does the medical practice act mean by "Physical Examination" (in person?) Does the meaning of "Physical Examination" change once an established physician/patient relationship is established?
  - g. Once physician/patient relationship is established can subsequent visits be by Phone? Audio/Video mandatory?

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- h. State telehealth/telemedicine patient encounter rules may be different when the patient is at a medical site vs. home – ensure a complete understanding
  - i. Patient visit/encounter rules often vary with behavioral health services
  - j. Is the treating relationship sufficient to prescribe? Confirm what types of substances can be prescribed and in what settings prescribing is allowed. Confirm with the Drug Enforcement Administration (DEA) for prescribing restrictions.
  - k. Ensure that the State Medical Board requirements or allowances are in agreement with the controlled substances act.
  - l. Ensure video conferencing system has been approved by the FDA. Don't presume that it is low risk or take the vendors word that it is a category 1 (low risk) device. There will be a lot of scrutiny if something goes wrong with a patient there can be medical malpractice but there could be ramification involving the FDA.
15. Contact the SMB/Osteopathic Board/State Licensing Department and validate information obtained through research of practice standards and requirements (if feasible meet in person or video conference).
  16. After contacting the SMB/Osteopathic Board/State Licensing Dept. if further information or clarity is needed, contact SMB general counsel to validate research of practice standards and requirements.
  17. For updated compact state information go to: [Licenseportability.org](http://Licenseportability.org).

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