

Licensing




Each state's definition on the terms "telehealth" or "telemedicine" may differ. Additionally, the "tele" prefix is now becoming more widely accepted, such as Telepsychiatry, Teledentistry, etc.

State: When telehealth services are delivered, the originating site (where the patient is located) determines the state where the provider must be licensed. It is not common for providers to be licensed in each state, so it is important that providers only provide telehealth services to patients in their licensing state. Many states have adopted interstate compacts which may allow specific provider types to practice in states that they are not licensed in under certain conditions. Many states have written into policy a Cross-State Licensing exception. States may be charged an additional fee to register for interstate telehealth services. It is important to check state regulatory guidelines.



The six major compacts are:

1. The Interstate Medical Licensure Compact
2. The Nurses Licensure Compact
3. The Physical Therapy Compact
4. The Psychology Interjurisdictional Compact
5. The Audiology and Speech-Language Pathology Interstate Compact
6. The Emergency Medical Services Personnel Licensure Interstate Compact.

For emerging updates and the latest requirements for each state, see:

- [U.S. States and Territories Modifying Requirements for Telehealth in Response to COVID-19](#)  (PDF) — from the Federation of State Medical Boards
- [U.S. States and Territories Modifying Licensure Requirements for Physicians in Response to COVID-19](#)  (PDF) — from the Federation of State Medical Boards
- [COVID-19 Related State Actions](#)  — from the National Policy Center - Center for Connected Health Policy

Specialty-specific resources:


- [Licensing resources for social workers](#)  including information related to COVID-19 as well as online and phone support.
- [Licensing resources for occupational therapists](#)  including information related to COVID-19 as well as online and phone support.

Federal: Exceptions for interstate telehealth practice and liability under the PREP Act

The 2005 Public Readiness and Emergency Preparedness Act (PREP Act) authorizes HHS to make declarations that provide immunity from liability in certain emergency circumstances. On December 3, 2020, [HHS published Amendment 4 to the PREP Act](#) to preclude state and local governments from enforcing more restrictive policies that keep “qualified persons” from administering countermeasures recommended by a PREP Act declaration. Specifically, this allows for interstate practice of telemedicine to improve public health outcomes in an emergency. This amendment provides liability protection when delivering specific COVID-19 related services, expands telehealth access, and makes it easier to treat and prevent COVID-19.

Many states already allow providers to deliver out-of-state telehealth services. The new Declaration, however, ensures specific COVID-19 “covered countermeasures” can be provided or ordered via telehealth across state lines without additional state licensure. The countermeasures covered by liability immunity include:

- Qualified products used to treat, diagnose, cure, prevent, or mitigate COVID-19
- Drugs, biological products, or devices authorized for COVID-19 emergency use
- Respiratory-protective devices approved by the National Institute for Occupational Safety and Health

This exception from state licensure and liability protection applies only to providers ordering or administering the specific covered countermeasures. For more details, see: [4th Amendment to the Declaration Under the PREP Act](#)  (PDF) — from the National Policy Center - Center for Connected Health Policy.

In 2021, HHS ratified [additional amendments to the Declaration under the PREP ACT](#). Amendments 5 through 8 expand on the definition of “qualified persons”. Amendment 8 clarifies that if a practitioner is providing covered COVID-19 countermeasures to a patient in another state, the laws of the state where the practitioner is licensed apply. For more details, see: [8th Amendment to the Declaration Under the PREP ACT section V \(e\)](#) - from the Federal Register.

Resources:

Interstate Compacts: <https://www.cchpca.org/topic/licensure-compacts/>

Federal Policy Updates: <https://telehealth.hhs.gov/providers/policy-changes-during-the-covid-19-public-health-emergency/telehealth-licensing-requirements-and-interstate-compacts/>