

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 868

Short Title: Telehealth Licensure Reciprocity. (Public)

Sponsors: Representatives Lambeth, Potts, Sasser, and K. Baker (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE PROVISION OF TELEHEALTH SERVICES THROUGH THE
3 ISSUANCE OF A TELEHEALTH LICENSURE BY THE NORTH CAROLINA
4 MEDICAL BOARD.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 1 of Chapter 90 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 90-9.6. Requirements for telehealth licensure.**

9 (a) Licensure. – The Board shall issue a license to practice medicine through telehealth
10 services to an applicant who satisfies all of the following requirements:

- 11 (1) Holds a full and unrestricted license to practice medicine in another state, the
12 District of Columbia, or possession or territory of the United States.
- 13 (2) Registers with the Board through an application form prescribed by the Board.
- 14 (3) Does not have any current or pending disciplinary or other action against the
15 applicant's license by any medical licensing agency in any state or other
16 jurisdiction at the time of application. During the pendency of an application
17 for licensure under this section, the applicant must notify the Board within
18 five business days of any new pending investigation or action against the
19 applicant's license in any other jurisdiction.
- 20 (4) Has not been the subject of disciplinary action relating to the applicant's
21 licensure to practice medicine during the five-year period immediately
22 preceding the submission of an application under this section.
- 23 (5) Designates a duly appointed registered agent for service of process in this
24 State on a form prescribed by the Board.
- 25 (6) Maintains professional liability coverage or financial responsibility which
26 includes coverage or financial responsibility for telehealth services provided
27 to patients not located in the provider's home state in an amount equal to or
28 greater than the requirements for an individual who is licensed to practice
29 medicine in this State.
- 30 (7) Does not have an office in this State and does not currently provide in-person
31 health care services to patients located in this State.
- 32 (8) Practices medicine in a manner consistent with the applicant's scope of
33 practice and the prevailing professional standard of care for a health care
34 professional who provides in-person health care services to patients in this
35 State.



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1 **(b) Documentation.** – A person licensed to provide telehealth services under this section
2 shall document the health care services rendered using telehealth services in the patient's medical
3 record in the same manner and standard used to document health care services rendered
4 in-person. Medical records, including video, audio, electronic, and other records generated as a
5 result of providing telehealth services under this section, shall remain confidential.

6 **(c) Patient History.** – If a person licensed to provide telehealth services under this section
7 uses telehealth services to perform a patient evaluation sufficient to diagnose and treat the patient,
8 the telehealth provider is not required to research a patient's medical history or conduct a physical
9 or in-person examination of the patient before using telehealth to provide health care services to
10 the patient or establish an initial provider-patient relationship.

11 **(d) Exemption.** – A person licensed to practice medicine in another state or jurisdiction
12 who provides telehealth services to a patient located in this State (i) in response to an emergency
13 medical condition of the patient or (ii) in consultation with a health care professional licensed in
14 this State who has supervisory and ultimate authority over the diagnosis and health care of the
15 patient, is exempted from the requirements of this section for the purposes of those telehealth
16 services for that patient rendered in accordance with the conditions set forth in this subsection.

17 **(e) Encounter Location.** – The location of service is determined at the time any act that
18 constitutes the delivery of telehealth services is initiated, as follows:

19 **(1)** When the telehealth service is between patient and provider, the location of
20 the patient is the originating site, and the location of the provider is the distant
21 site.

22 **(2)** When the telehealth service is between providers, conducted for the purposes
23 of consultation, the location of the provider initiating the consult is the
24 originating site, and the location of the consulting provider is the distant site.

25 **(f) Venue.** – For the purposes of this section, the venue for a civil or administrative action
26 initiated by the Board, the Department of Health and Human Services, or a patient who receives
27 telehealth services in accordance with this section from a telehealth services provider located
28 outside of this State may be located in the patient's county of residence or Wake County.

29 **(g) Violation.** – A person who violates any provision of this section, or who practices
30 medicine in violation of the limitations set forth in this section, shall be guilty of a Class 3
31 misdemeanor and subject to a maximum fine of five hundred dollars (\$500.00) for each offense.
32 The Board may take appropriate disciplinary action against the licensee, including revocation of
33 the license issued under this section."

34 **SECTION 2.** The North Carolina Medical Board may adopt rules to implement the
35 provisions of this act.

36 **SECTION 3.** This act becomes effective October 1, 2021, and applies to applications
37 for licensure on or after that date.