

HLB Contributes to Uniform Law Commission's Uniform Telehealth Act

Insights

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On Wednesday, July 13, 2022, the Uniform Law Commission (“**ULC**”) voted to approve a set of model telehealth laws (the “**Uniform Telehealth Act**”) intended to coordinate the regulation of medical care provided via telehealth among the states.

The ULC works on non-partisan proposed legislation to “bring clarity and stability to areas of state statutory law.” The ULC Telehealth Committee included nationally respected judges, academics, private practice attorneys and legislators from a wide range of disciplines. Industry experts including digital health companies, representatives from the American Medical Association (“**AMA**”) and the Federation of State Medical Boards (“**FSMB**”), and private practice attorneys were also invited to participate to offer commentary as observers. HLB partner and digital health co-chair Jeremy Sherer was among those invited observers.

When care is provided via telehealth, the laws of the jurisdiction in which the patient is located govern. While many jurisdictions employ similar approaches, there are often material differences in those rules which create regulatory difficulties for providers furnishing care remotely. The goal of the Uniform Telehealth Act was to establish consistency in these standards to promote access to care across state lines, an increasingly important public health priority as pandemic-era waivers which drastically expanded telehealth utilization continue to lapse, as the U.S. concurrently moves towards a national physician shortage.^[1]

“This was a tremendously important effort led by a collection of very talented individuals seeking to craft policies that would allow telehealth to maximize its potential to increase access to high-quality care across the country,” Sherer said. “One of the few silver linings of the pandemic has been the widespread adoption of telehealth, and efforts like the Uniform Telehealth Act are critical to ensuring that we continue to build upon that progress. It was a real honor and a professional highlight to be an observer and share our clients’ perspectives.”

One area of the Uniform Telehealth Act Sherer emphasized was the proposed structure to allow out-of-state practitioners to register with a local professional board to facilitate the provision of care across state lines.

“I’m particularly proud of the out-of-state practitioner approach the ULC adopted. Practitioner registration processes tend to be more streamlined than full licensure, while still ensuring that state medical boards can fulfill their role in protecting the public and regulating medical practice within their borders. For multi-state digital health platforms and health systems providing care across state lines, adoption of the ULC standards would promote predictability in an area that has been wrought with confusion the past few years.”

Ultimately, the Uniform Telehealth Act should provide a helpful blueprint for state legislatures revisiting their telehealth frameworks as the COVID-19 pandemic continues on.

If you have any questions, please reach out to attorneys at Hooper, Lundy, and Bookman. Please contact [Jeremy Sherer](#) in Boston, or any other member of our Hooper, Lundy & Bookman team.

[1] See, e.g., AAMC, The Complexities of Physician Supply and Demand: Projections from 2019 to 2034.

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