Navigating State Telemedicine Laws

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Ross Friedberg
General Counsel
Legal Challenges

- State Licensure
- Corporate Practice of Medicine
- Doctor-Patient Relationship
State Licensure

Cannot “practice medicine” without a license in the state where the patient is located

<table>
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<th>Exceptions</th>
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<td>Emergency Services</td>
<td>State, Federal</td>
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<td>Provider-Consultation</td>
<td>State</td>
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<td>Veterans Affairs, Public Health Service</td>
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Corporate Practice of Medicine Restrictions

- Business corporations not permitted to practice medicine in some states
  - Must organize through an approved business structure (PC)
  - Must satisfy state laws relating to ownership & business registration

**Example - California (medical group rules)**

- Can only practice through a professional corporation
- Owners must be California doctors
- Limited recognition of medical practices formed in other states
Establishing Doctor Patient Relationship via Telehealth

- Meeting the standard of care
- Video vs. non-video
- Medical history
- Examination
Pathways Forward

• Collaborative Care Models
  • Provider-to-provider consultations (role of GP doctors?)
  • Virtual Practice partners

• Simplified License Rules
  • Medical License Compact
  • New federal exemption for clinical trials? (VA precedent)