**To:**

Beth Israel Lahey Health Primary Care

**From:**

**Betsy Johnson, MD MS**

Chief Medical Officer, Beth Israel Lahey Health Primary Care

**Denis Gallagher, MBA**

President, Beth Israel Lahey Health Primary Care

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**Subject:**

**Telehealth and Out of State Licensing Guidance**

Over the course of the last eight months, you have demonstrated flexibility and perseverance to respond to the challenges of the pandemic. This is especially true in how our physicians have embraced telemedicine as a way to safely continue to provide care to our patients. We are so appreciative and impressed how within a matter of weeks you made dramatic changes to your practice to become experts in the provision of telemedicine. It is evident that telemedicine is a tool that we will continue to need to respond both to the ongoing challenges related to COVID, and once we have the pandemic behind us, to respond to our patients’ evolving expectations. We are in the process of developing a long term plan for how we can effectively and compliantly continue to practice telemedicine, and **the purpose of this email is to announce some important information about telemedicine for patients who are located out-of-state.**

At the beginning of the pandemic, federal and state governments made several regulatory changes to encourage telemedicine. Physicians have asked several questions concerning out-of-state licensure for the provision of telemedicine to patients located outside of Massachusetts. Most states loosened requirements around licensure to allow physicians to provide telemedicine from out-of-state. We are now seeing several states end those waivers, and some states have announced termination dates for licensure waivers. **Unfortunately, this process is not uniform, and states are responding with different approaches.**

In addition to licensure requirements, states also loosened other telemedicine requirements concerning documentation, standards of practice, prescribing, and technology during the pandemic. As many of you are aware, payors also expanded the definition of reimbursable telemedicine services. **We are now seeing many of these waivers or allowance are also being rolled back.**

It will be challenging if not impossible to follow the ever changing regulatory landscape of all fifty states therefore, BILHPC has decided that it is best for our physicians and patients to have a strategic approach to telemedicine that will ensure that we are compliantly and safely providing care to our patients. As a result, we are in the process of identifying the few key states to continue to provide telemedicine services. The selection will be based on the number of our patients who are located in those states balanced with the operational and legal challenges. We anticipate that this will mean that certain physicians will be encouraged to obtain licenses in states other than Massachusetts. We also anticipate that our practices will need to change some operations to compliantly practice telemedicine.

In the short term, and based on current licensure regulations, we are making the following operational and policy changes:

· **Presently, Maine, Vermont, Connecticut and Rhode Island allow physicians to practice telemedicine with established patients without a license.** Also, New Hampshire has extended its emergency licensure until November 20, 2020.

· If you have patients who are out of state and not in any of the New England states scheduled for a telehealth visit, please keep the visit and use this opportunity to let your patients know that we can no longer provide telemedicine services to them due to licensing issues. Do not bill for that visit.

· BILHPC will cease booking any further telemedicine to patients who are located outside of New England.

· Encourage your patients to see you before they leave to go out of state.

· We will develop workflows to identify the physical location of our patients.

We are sharing this short-term strategy with you today and want you to know that we will be working on a long-term strategy so we can progressively provide telehealth visits as we work through legal, compliance and insurance issues. We will continue to provide more guidance on how to navigate patient demands concerning telemedicine, and provide you updates concerning the strategy for the provision of out-of-state telemedicine. Thank you for your continued flexibility and patience as we respond to these challenging times. Please do not hesitate to reach out with any questions.