

# Telehealth License FAQ

## UPDATED August 16, 2021

**As states begin reverting to pre-pandemic rules for provider licensing, our health system and providers need to ensure we are in compliance with state laws.**

**These laws require providers to hold a license in the state in which the patient is physically located during the telehealth encounter. Because 90% of our telehealth encounters in the past 16 months have taken place in Kansas or Missouri, the health system believes all providers need to become licensed in both states as a requirement to provide ambulatory care.**

### **Who should be dually licensed in Kansas and Missouri?**

- The University of Kansas Physicians (UKP) and The University of Kansas Health System are requiring all MDs, APPs, & non-ACGME fellows to apply for Missouri medical license as a condition to practice ambulatory patient care. Applications should have been submitted by July 15, 2021 to meet the August 31, 2021 deadline.
- Other providers such as PhDs, nurses, psychologists, etc. should also obtain Missouri licensure.
- Physical therapists, occupational therapists, speech therapists and other similar roles are not required to be dually licensed unless they are providing care via telehealth to a patient in a state in which they are not licensed.

### **Are there any exceptions?**

Department chairs may request an exception if they believe a provider should not be required to obtain a Missouri license. The department chair should send the exception request to Talal Khan, MD, president of UKP; Scott Helt, vice president of UKP; Lee Graves, MD, chief of the medical staff; Steve Stites, MD, executive vice president of clinical affairs and chief medical officer; and Keith Sale, MD, physician vice president of ambulatory services.

After reviewing the request, notification of whether the exception was granted or denied will be sent by email to the department chair, requesting provider and senior administrator.

### **What about students and residents?**

- ACGME residents and fellows cannot practice independently and need a supervising physician. Consider listing the supervising physician in the licensing request.
- Non-ACGME fellows can practice (and bill) independently and need a license in the state in which they are practicing. These physicians will need to be included in the Cactus credentialing system.

### **Who will manage my license?**

Missouri state licensure paperwork assistance is provided by the department's administrative associate(s).

**Who will pay for my license?**

- CME dollars will be used pay for licenses for MDs, DOs, APPs, NPs, PAs, PhDs, and psychologists.
- License fees for states outside of Kansas and Missouri will continue to be paid by the individual provider at the discretion of the individual provider. If a license is required by UKP or the health system, then these fees will be paid for by UKP and/or the health system.

**What is the deadline to submit the application for a Missouri license?**

All applications should have been submitted to Missouri's board by July 15, 2021 to meet the August 31, 2021 deadline. If you have not yet submitted your paperwork, please do so promptly.

**What if there are multiple providers in the telehealth encounter?**

All providers who are delivering care must have a license in the state in which the patient is located, including residents and fellows.

**What if our appointments are set up with a generic provider/placeholder, and a provider is not assigned until the appointment starts?**

When an appointment is scheduled to a generic provider/placeholder, the scheduler must share with the patient the need to be in either Kansas or Missouri the day of the appointment to help identify any issues in advance of the appointment. When the patient checks in, the roomer or nurse will identify which provider the patient is seeing and then confirm where the provider is licensed. If the provider is licensed in a state other than Kansas or Missouri – in Arizona, for example – and the patient indicates they are in Arizona, the appointment will continue.

**Can I schedule a first encounter with a patient who lives in Missouri via telehealth?**

Providers can see new patients in Missouri via a telehealth visit – however there is a very specific process that must be followed for H&P documentation, and the appointment can only be for services within their standard of care that can appropriately be managed via telehealth. Review the [Missouri law](#) for details.

**Can I see new patients outside of Kansas or Missouri?**

Providers should not see “new” patients via telehealth from states other than Kansas or Missouri unless they have an active license in the state where the patient is located. As emergency orders expire, the added flexibility built into licensure rules will go away in most states. Telehealth visits located in states where the provider is unlicensed should not be allowed.

**Can I continue to see established patients who live in states I'm not licensed in?**

Certain states might continue to demonstrate flexibility regarding seeing “established” telehealth patients, but there will not be uniform rules regarding which states are permitting or not permitting. While the federal waiver is in place, enforcement is unlikely. After the CMS waiver expires, enforcement may still be challenging. However, to minimize the risk associated with performing services for patients in states where you are not licensed, it is recommended that established patient telehealth services only be performed in states in which you are licensed.

**Can you prescribe controlled substances via telehealth visits?**

- New patients: The health system recommends that physicians and providers **should not** prescribe controlled substances for patients who you have not seen in person or who are new patients to our system.
- Established patients: Ongoing management of controlled substances for patients established within your practice **is acceptable** over a telehealth visit provided that individual state DEA requirements are met. Be aware that some states, including Missouri, require a DEA registration within their state to prescribe controlled substances to their residents via telehealth.

**How will we know where the patient is located at the time of the appointment?**

Each department will establish a process to identify where the patient is located as part of the rooming process and document it in O2.

**What will happen if a patient indicates they are in a state in which I do not have a license?**

If you are not licensed in the state where the patient has indicated they are located, the appointment must be rescheduled.

**How will the patient know of this requirement?**

We are implementing several touchpoints and reminders to ensure patients understand this requirement before their appointments.

- During the scheduling process, the scheduler will ask the patient whether they will be in Kansas or Missouri at the time of their appointment.
- An automated email/text at the time the appointment is created will inform the patient of the requirement to be in Kansas or Missouri.
- WellHealth texts will be sent seven, two and one day prior to the appointment with a reminder of this information.

**Do these guidelines also apply to telephone appointments?**

Telephone appointments in which care is administered have the same requirements as video telehealth encounters. Providers are required to have a license in the state in which the patient is located.