

Telepractice Update, 2015

While telepractice is established and has been used in the medical field for more than 40 years, it was only approved by American Speech-Language Association as an appropriate service delivery in 2005. For SLPs, state rules, regulations, laws, and procedures regarding telepractice are still being worked out.

These are the states – 20 in total, with telepractice regulations, laws and/or procedures:

Alabama - Any practitioner who does not qualify for an exemption must hold an Alabama license. This shall be required for all individuals providing services for consumers in Alabama via in-office practice as well as telepractice or any other electronic means.

Arkansas - Telepractice: means telespeech, teleaudiology, teleSLP, telehealth, or telerehabilitation when used separately or together; and "Telepractice service" means the application of telecommunication technology equivalent in quality to services delivered face-to-face to deliver speech-language pathology or audiology services, or both, at a distance for assessment, intervention or consultation, or both.

Arkansas does not currently regulate telepractice but does define it in the scope of practice.

California - Telehealth is viewed as mode of delivery of health care services, not a separate form of practice. There are no legal prohibitions to using technology in the practice of speech-language pathology, audiology, or hearing aid dispensing, as long as the practice is done by a California licensed practitioner. Telehealth is not a telephone conversation, e-mail/instant messaging conversation, or fax; it typically involves the application of videoconferencing or store and forward technology to provide or support health care delivery.

The standard of care is the same whether the patient is seen in-person, through telehealth or other methods of electronically enabled health care. Practitioners need not reside in California, as long as they have a valid, current California license.

The laws govern the practice of speech-language pathology, audiology, and hearing aid dispensing, and no matter how communication is performed, the standards of care is no more or less. Practitioners using Telehealth technologies to provide care to patients located in California must be licensed in California and must provide appropriate services and/or treatment to the patient.

California licensed speech-language pathologists, audiologists, and hearing aid dispensers practicing medicine in other states:

Licensees intending to practice via telemedicine technology to treat patients outside of California should check with other state licensing boards. Most states require practitioners to be licensed, and some have enacted limitations to telemedicine practice or require or offer a special registration for interstate practice.

Delaware - State Code of Ethics provision states that: licensees shall not evaluate or treat a client with speech, language, or hearing disorders solely by correspondence. Correspondence includes telecommunication.

District of Columbia - It is a violation of the regulations if an audiologist or speech-language pathologist provides services in DC without a DC license, regardless of whether the professional providing services is physically located in the District of Columbia or another jurisdiction. The policy does not address persons who are located in DC but who are providing services outside of the District.

Georgia - Any person in the state or physically located in another state or country who, using telecommunications and information technologies through which speech-language pathology information and auditory-vestibular system information is transmitted, is considered to be engaged in the practice of speech-language pathology or audiology in the state and as such must have a full state license and shall be subject to the regulation of the board.

Iowa - Provision of speech-language pathology and audiology services through telephonic, electronic or other means, regardless of the location of the SLP or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require Iowa licensure.

Kentucky - 2007 Revised Statute establishes provisions for telehealth (including informed consent, confidentiality and other aspects of consumer protection) and defines it as “use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.”

Louisiana - Ethical prescription which allows telepractice provided appropriate licensure is held for the jurisdiction in which the service is rendered and delivered.

Maine - Indirect supervision is defined to include demonstration, record review, review and evaluation of audio or videotaped session, interactive television and supervisory conferences that may be conducted by phone. CE may include courses to enhance the efficacy of telepractice.

Maryland - Telehealth means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of health care to an individual from a provider through hardwire or Internet connection.

Montana - no person licensed as a speech-language pathologist or audiologist in another state may engage in the practice of speech-language pathology or audiology in Montana, including telepractice services, unless a license to practice has been issued in Montana.

North Carolina - "Telepractice" means the use of telecommunications and information technologies for the exchange of encrypted patient data, obtained through real-time interaction, from patient site to provider site for the provision of speech and language pathology and audiology services to patients through hardwire or internet connection.

(b) Telepractice shall be obtained in real time and in a manner sufficient to ensure patient confidentiality.

(c) Telepractice is subject to the same standard of practice stated in 21 NCAC 64 .0205 and 21 NCAC 64 .0216 as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the licensee and shall not be delegated.

(d) Providers must hold a license in the state of the provider site and shall be in compliance with the statutory and regulatory requirements of the patient site.

(e) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment..

(g) Telepractice constitutes the practice of speech and language Pathology and Audiology in both the patient site and provider site.

Ohio - Licensees may practice via telecommunication within the state where not prohibited by law.

Oklahoma - Statute (revised) requires licensure for audiology and speech-language pathology services delivered in the state through telephonic, electronic, or other means, regardless of the location of the practitioner. Also within (Rules 680:15-1-4) ethical proscriptions: Licensees must not provide clinical services except in a professional relationship. They must not evaluate or treat solely by correspondence or telepractice. This does not preclude follow-up correspondence with persons previously seen, or providing them with general information of an educational nature.

South Dakota - Telepractice service means the application of telecommunication technology to deliver speech-language pathology at a distance for assessment, intervention, or consultation. Any person who is licensed as a speech-language pathologist in South Dakota may provide speech-language pathology services via telepractice. Services delivered via telepractice shall be equivalent to the quality of services delivered face-to-face.

Texas – Texas permits telehealth, defined as the application of telecommunication technology to deliver speech-language pathology and/or audiology services at a distance for assessment, intervention, and/or consultation. Providers must be licensed in Texas. The initial contact between the provider and client shall be at the same physical location to assess the client's candidacy for telehealth, including behavioral, physical, and cognitive abilities to participate in services provided via telecommunications.

Washington - Prohibits sale of hearing aids by telephone or mail

West Virginia - Telepractice services shall not be provided by correspondence only, e.g., mail, e-mail, fax, although they may adjuncts to telepractice. A provider of telepractice services who practices in this State shall be licensed by the Board, per license requirements set forth in WV Code, §30-32-9., §30-32-10. & WV Code

Rules

§29-1.

15.6.2. A provider of telepractice services who resides out of this State and who provides telepractice services to clients/patients in West Virginia shall be licensed by the Board, per license requirements set forth in WV Code, §30-32-9. & §30-32-10. & WV Code Rules §29-1.

Wyoming - The provision of speech pathology or audiology services in this state, through telephonic, electronic or other means, regardless of the location of the speech pathologist or audiologist, shall constitute the practice of speech pathology or audiology and shall require licensure provided in this chapter.

States that currently have telepractice up for discussion:

Florida

<http://multibriefs.com/briefs/flasha/telepractice.pdf>

Sources:

1. *The State of Telepractice 2014*,
<http://leader.pubs.asha.org/article.aspx?articleID=1983619>
2. <http://www.asha.org/Advocacy/state/State-Telepractice-Requirements/>
3. <http://blog.asha.org/2012/03/01/telehealth-regulatory-and-legal-considerations-frequently-asked-questions/>
4. <http://www.ncsb.info/telepractice>