

April 2, 2020

Re: Licensing Reciprocity to Facilitate Telemedicine

Dear Governor:

On behalf of the American Council on Education and the undersigned organizations, we write to request your urgent action in providing reciprocity in licensing of health care and mental health care professionals to enable them to practice across state lines during the COVID-19 pandemic.

As COVID-19 rapidly expands across the nation, we recognize that the expected surge in cases will soon outpace our nation's healthcare infrastructure. This pandemic is causing us to re-evaluate and adapt how we staff and respond to large scale healthcare crises in our communities.

Colleges and universities with congregate living and learning environments, open campuses, and international educational and research activities, are uniquely vulnerable to the impact of the COVID-19 pandemic. Over the past month, as institutions of higher education have moved to implement physical distancing, remote support of our students has become critically important. Accordingly, university-based health and counseling centers are implementing telehealth to provide critical health and mental health services to their patients, who in many instances may now be located far from our campuses.

Additionally, as the COVID-19 pandemic broadens, we know that capacity for the delivery of care will be uneven across our nation, with some states having more capacity than others that may be suffering a larger impact. We need to ensure that we can get the right care resources to the right communities in a timely manner. Unfortunately, during the pandemic, state-based licensing restrictions are a significant barrier to this effort.

Currently, in most states, health care providers must maintain licenses in each state in which they render services to patients. Some states participate in interstate compacts for certain professionals while other interstate compacts ease the application process for licensure but do not eliminate the need for a license in each state where the provider renders services (the nurse compact, however, does provide reciprocity in all participating states).

In order to help strengthen our collective response, we need all governors to take immediate action in their state to temporarily suspend or modify licensing restrictions in the manner set forth below to ensure that sufficient health care and mental health services are available to meet the needs of individuals in their state. We respectfully urge that such temporary suspension or modification remain in effect for thirty (30) days

after the end of the period of the declared COVID-19 public health emergency, unless earlier rescinded or superseded (related to items a & b) as provided in the sample Order below:

a) Any provision of State or local law or regulation that would prevent a healthcare or mental health professional, holding a valid license, certificate, or other permit to provide medical or mental health services issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, from providing healthcare services, including telehealth services and prescriptive authority, to individuals located within the State, provided that such individual is not affirmatively barred from practice in this State for reasons of fraud or abuse, patient care, or public safety, it being the effect and purpose of this Order that any such individual shall be deemed to be duly licensed, certified, and permitted in this State. It shall be the responsibility of any healthcare organization or facility utilizing the services of any such healthcare or mental health professional authorized herein to verify the credentials and license status of the individual to ensure that they are in compliance with this Order.

b) Restrictions on the provision of healthcare services or mental health services via telehealth, including but not limited to (i) any requirements for an in-person initial assessment prior to the delivery of telehealth services, (ii) restrictions on who may provide services via telehealth, except that any person providing such services shall still be required to hold a valid license, be under the supervision of someone with a valid license, or have authorization to provide such services by any state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, (iii) conditions of eligibility of an originating site or distant site for the purposes of receipt and delivery of telehealth, (iv) requirements for who must be present while telehealth services are delivered, (v) requirements for the specific form of consent obtained from the patient, and (vi) restrictions on issuing prescriptions for controlled substances by telehealth.

c) All healthcare or mental health professional services authorized pursuant to this Order must be documented in the professional's records, or records of the healthcare organization or facility utilizing the professional's services, including the date of service, nature of service, evaluation, and any treatment recommended or provided.

In the attached letter, dated March 24, 2020, as part of a "whole-American response to COVID-19 pandemic," Secretary Alex Azar of the Department of Health and Human Services urged all governors to address current licensing restrictions in a number of ways, including the specific request that states "[a]llow health professionals licensed or certified in other states to practice their professions in your state, either in person or through telemedicine[.]"

As COVID-19 continues to rapidly spread throughout our nation, states must take decisive action. Telehealth and telemental health can not only help flatten the curve of

the virus by enhancing physical distancing, but also ensure that all individuals in our nation have access to the care they need when they need it.

We thank you for your attention to this critical issue and are grateful for your leadership during these troubling times. We look forward to working with you to ensure that this temporary suspension framework is adopted by your administration.

Sincerely,



Ted Mitchell
President

On behalf of:

ACPA-College Student Educators International
Active Minds
Alabama Association of Independent Colleges and Universities
American Association of Colleges for Teacher Education
American Association of Colleges of Nursing
American Association of University Professors
American College Counseling Association
American College Health Association (ACHA)
American Council on Education
American Dance Therapy Association
American Dental Education Association
American Music Therapy Association
American Occupational Therapy Association
American Psychological Association
American Speech-Language-Hearing Association
APPA, "Leadership in Educational Facilities"
Association for University and College Counseling Center Directors
Association of American Colleges and Universities
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities of Ohio
Association of Independent Kentucky Colleges and Universities
Association of Jesuit Colleges and Universities

Association of Public and Land-grant Universities
American Association of State Colleges and Universities
Association of Vermont Independent Colleges
Coalition of Urban and Metropolitan Universities
College and University Professional Association for Human Resources
Common App
Connecticut Conference of Independent Colleges
Consortium of Universities of the Washington Metropolitan Area
Council for Christian Colleges & Universities
Council for Higher Education Accreditation
Council of Administrators of Special Education
Council of Graduate Schools
Council of Independent Colleges
EDUCAUSE
Georgia Independent College Association
Hispanic Association of Colleges and Universities
Independent Colleges of Indiana
Independent Colleges of Washington
Iowa College Foundation
Kansas Independent College Association
Minnesota Private College Council
NASPA - Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Colleges and Employers
National Association of Independent Colleges and Universities
National Association of Pupil Services Administrators
National Association of School Nurses
National Collegiate Athletic Association
Network of ELCA Colleges and Universities
North Carolina Independent Colleges and Universities
NYS Commission on Independent Colleges and Universities
Oregon Alliance of Independent Colleges & Universities
South Carolina Independent Colleges and Universities
Tennessee Independent Colleges and Universities Association
The Catholic University of America
The Jed Foundation
UPCEA
Virginia Foundation for Independent Colleges
Wisconsin Association of Independent Colleges and Universities