

## TELEHEALTH

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### House Bill 4355 (H-1) as reported from committee

**Sponsor: Rep. Ann M. Bollin**

**Committee: Health Policy**

**Complete to 3-22-21**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

House Bill 4355 would amend the Public Health Code to allow a health professional licensed in another state to practice that health profession through *telehealth* in Michigan without obtaining a Michigan license.

*Telehealth* is defined in section 16283 of the code as the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include *telemedicine*, which is defined as the use of electronic media to link patients with health care professionals in different locations. To be considered telemedicine, the health care professional must be able to examine the patient through a HIPAA-compliant, secure interactive audio or video (or both) telecommunications system or through the use of store-and-forward online messaging.

Section 16171 of the code provides for a number of situations in which a person is not required to have a license in order to practice a health profession in Michigan, including students in health profession training programs, military health professionals, and health professionals rendering aid in an emergency.

The bill would add another category: a person who is authorized to practice a health profession in another state who is providing a health service to a person in Michigan through telehealth, as long as all of the following are met:

- The health professional directly or indirectly obtains consent, as required under the code for a person licensed as a health professional in Michigan providing care through telehealth.
- The health professional provides only those health services he or she would be allowed to provide if he or she were authorized to engage in that health profession in Michigan.
- Before providing the health service to the patient, the health professional provides the patient with the hyperlink or address for his or her authorization to practice the health profession in the other state on the website of the licensing department, board, or other authority of that other state.

Additionally, the bill would stipulate that the defined terms in sections 16103 to 16109a of the Public Health Code, which apply to Article 15 (Occupations), have the meaning ascribed to them in those sections “unless the context requires a different meaning.”

MCL 333.16101 and 333.16171

## **FISCAL IMPACT:**

House Bill 4355 could result in reductions to state revenues related to health care licensing. The bill would allow health professionals authorized to practice in other states to provide telehealth services to patients in Michigan without having a Michigan license in a health profession. By allowing health professionals regulated in other states to provide telehealth services in Michigan without state licensure, the state may see decreases to revenues that would otherwise be received for licensure in Michigan. Revenues related to these licenses are deposited into various state restricted funds, with most dedicated to the Health Professions Regulatory Fund, which is used to support regulation under Articles 7, 8, and 15 of the Public Health Code. The magnitude of this potential revenue reduction is indeterminate and would depend on the number of telehealth providers choosing to forgo licensure in Michigan.

## **POSITIONS:**

The following entities indicated support for the bill:

- AARP Michigan (3-16-21)
- Michigan Association of Health Plans (3-16-21)
- National Multiple Sclerosis Society (3-16-21)
- Mackinac Center for Public Policy (3-16-21)
- American Diabetes Association (3-18-21)
- Michigan Manufacturers Association (3-18-21)

The following entities indicated opposition to the bill:

- Department of Licensing and Regulatory Affairs (3-16-21)
- AFSCME Council 25 (3-16-21)
- Michigan Dental Association (3-16-21)
- Michigan Nurses Association (3-16-21)
- Michigan Mental Health Counselors Association (3-18-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.