

Telehealth Licensing Emergency Orders – CT, NY, MA & RI

With the declaration by the President of a national emergency, the Secretary of Health and Human Services issued a 1135 Waiver for “requirements that physicians or other health care professionals hold licenses in the state in which they provide services if they have an equivalent license from another state.” The full **Notice** can be accessed

at <https://www.phe.gov/emergency/news/healthactions/section1135/Pages/covid19-13March20.aspx>.

CMS has not issued guidance on how this will be implemented.

In addition to Connecticut, the following border states have issued emergency orders temporarily waiving licensure requirements or renewal guidelines to allow healthcare providers to treat patients in other states via telehealth:

- **Connecticut.** Executive Order No. (7G) (<https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7G.pdf>) suspends the requirement of CGS Sec. 19a-906 (which sets forth the rules that health care providers must abide by to provide telehealth services to CT residents) *in relevant part* by temporarily suspending the requirement that a telehealth provider must have a CT license to provide telehealth services to CT residents so long as the provider is either (a) an enrolled provider in Connecticut’s Medicaid program; or (b) an in-network provider for a commercial fully insured health insurance plan that covers a member who lives in Connecticut. This means that Connecticut residents have access to providers across the country and may receive telehealth services from those providers even if any given provider does not have a Connecticut license.
- **New York.** Executive Order No. 202.5 (<https://www.governor.ny.gov/news/no-2025-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>) similarly modified its licensing statutes as follows:
 - Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in any state in the United States to practice medicine in New York State without civil or criminal penalty related to lack of licensure;
 - Section 6502 of the Education Law and Part 59.8 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
 - Sections 6512 through 6516, and 6905, 6906 and 6910 of the Education Law and Part 64 of Title 8 of the NYCRR, to the extent necessary to allow registered nurses, licensed practical nurses, and nurse practitioners licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
 - Sections 6512 through 6516, and 6541 of the Education Law and Part 60.8 of Title 8 of the NYCRR, to the extent necessary to allow physician assistants licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.
- **Massachusetts.** With the Governor declaring a State of Emergency, the Board of Registration in Medicine has established an Emergency Temporary License Application for out-of-state physicians to assist in meeting the increased demand for physician services in Massachusetts.

Click on the following link for details: <https://www.mass.gov/service-details/important-information-regarding-physician-licensure-during-the-state-of-emergency>. To qualify for an Emergency Temporary License a physician must hold an active full, unlimited and unrestricted medical license in good standing in another U.S. state/territory/district. "Good standing" shall not include a license that has been revoked, cancelled, surrendered, suspended, or is subject to disciplinary restrictions.

An Emergency Temporary License will be valid for the duration of Executive Order No. 591, Declaration of a State of Emergency to Respond to COVID-19, and will be valid until Executive Order No. 591 is rescinded by the Governor or until the State of Emergency is terminated, whichever occurs first.

Click on the following link to review the Governor's March 17th order expanding access to physicians' services: <https://www.mass.gov/doc/march-17-2020-expand-access-to-physician-services-order/download>.

- **Rhode Island.** As part of its response to coronavirus disease 2019 (COVID-19), the Rhode Island Department of Health (RIDOH) is relaxing regulatory enforcement for certain medical professional licensing by issuing temporary (90 day) licenses to professionals holding valid out-of-state licenses. Beginning March 18, 2020, out-of-state licensees need only submit a completed application form and a statement verifying the license status from their home state to receive a 90-day license to practice in Rhode Island. This temporary license can be renewed one time. There will be no cost to obtain the license or for the one-time renewal. Professionals who wish to practice beyond 180 days must fulfill all qualifications and requirements under the regulations for their profession. Click here for the [Emergency 90-day application](#). For questions, please email doh.elicense@health.ri.gov.