

OUT OF STATE CONSIDERATIONS FOR TELEMEDICINE

Scenario: Current or New UVA Patient Seen Via Telemedicine	Licensure in Other State Required?	Liability Risk in Other State?	Comments
Provider in VA, but patient in other state at time of telemedicine consult.	Yes, for formal encounters, No for unbilled follow-ups.	Yes	<p>(a) A billed-for telemedicine visit is likely to be considered the “practice of medicine,” just as if it were an in-person visit, thus requiring licensure.</p> <p>(b) A remote unbilled encounter (phone or video) with an established patient in follow-up to a diagnosis and treatment plan made in Virginia, which does not include a new diagnosis or treatment plan, is unlikely to be considered the “practice of medicine” in the other state.</p> <p>(C) Liability exposure comes from rendering care in the other state. Care is considered rendered where the patient is located at the time of the encounter, so there is liability risk for either a formal encounter or follow-up encounter with a patient in another state.</p>
Out of state patient travels to VA for telemedicine or in-person consult.	No	No	Care is in Virginia, so no out of state license required.