

Information and guidance related to COVID-19 is changing rapidly. Please refer to the Physicians Insurance website for the most up-to-date information.

Guidance – Expedited Licensure and Telemedicine Options in Oregon During COVID-19

Draft Date: March 25, 2020

1. Expedited Licensure Guidance.

Due to the governor’s declaration of a state of emergency, the Oregon Medical Board (OMB) will permit out of state physicians and physician assistants to provide care in Oregon under special provisions, during the period of the declared emergency.¹ In order to do so, the out of state practitioner must submit the following information to OMB, in addition to the authorization application,

<https://www.oregon.gov/omb/OMBForms1/Emergency%20Practice%20Application.pdf>

(a) verification of a permanent, current, and unrestricted license to practice in another state which is not the subject of a pending investigation by a hospital, a state medical board, or other state or federal agency; and;

(b) current federal or state photo identification, such as a driver’s license or passport.

The requirement for completing and submitting this information to OMB is waived if the physician is a member of the National Disaster Medical System under the Office of Emergency Preparedness, US Department of Health and Human services, and submits to OMB a copy of his/her NDMS photo identification.

Summary and Additional Information: The physician and/or physician assistant shall also provide to OMB documentation demonstrating a request to provide medical care from a hospital, clinic, or private medical practice, public health organization, EMS agency, or federal medical facility, or has otherwise made arrangements to provide medical care in Oregon as a result of the declaration of an emergency.

Additionally, the physician or physician assistant cannot practice in Oregon under the special disaster emergency provisions beyond the termination date of the emergency.

This information is also summarized on the OMB website at <https://www.oregon.gov/omb/Topics-of-Interest/Pages/COVID-19.aspx> .

OMB has advised us that they are in the process of updating/changing their expedited licensure process and forms. We will provide updated guidance once this has been put into effect.

¹ See OAR 847-010-0068.

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2. Telemedicine Guidance.

Any physician or physician assistant who is licensed to practice in the state of Oregon may provide care via telemedicine to Oregon patients. Out of state physicians with a telemedicine license may provide remote care to their Oregon patients.²

Additionally, per new guidance from the DEA, health care professionals can now prescribe a controlled substance to a patient using telehealth technology without first conducting an in-person evaluation under certain conditions.

Analysis and Summary: Telemedicine in Oregon is governed by ORS 677.135 – 677.141, as well as OAR 847-025-0000 – 847-025-0060. The licensure requirement for physicians who are practicing across state lines is codified at ORS 677.139.

2.1 Medicare/Medical Assistance Reimbursement.

The Coronavirus Preparedness and Response Supplemental Appropriations Act includes provisions allowing the Secretary of the Department of Health and Human Services to waive certain Medicare telehealth payment requirements during this public health emergency. Per these provisions, limitations on where Medicare patients are eligible for telehealth services will be removed during this public health emergency.

Oregon has temporarily amended two administrative rules to address Medical Assistance reimbursement for telemedicine: OAR 410-130-0610 (linked at <https://www.oregon.gov/oha/HSD/OHP/Policies/130-0610-031620.pdf>) and OAR 410-141-3830 (linked at <https://www.oregon.gov/oha/HSD/OHP/Policies/141-3830-031520.pdf>).

Click [here](#) for a fact sheet regarding telemedicine coverage.

Additionally, a factsheet regarding Medicare telehealth, effective date 3/17/20, is linked here: <https://edit.cms.gov/files/document/medicare-telehealth-frequently-asked-questions-faqs-31720.pdf>. A CMS factsheet regarding telemedicine is also linked here: <https://www.cms.gov/newsroom/fact-sheets/medicare-telemedicine-health-care-provider-fact-sheet>.

2.2 Opioid prescribing.

² Per the OMB website, out-of-state Licensees who hold an active license at telemedicine status have the same duties and responsibilities and are subject to the same penalties and sanctions as any other licensed physician in Oregon. Physicians with telemedicine status in Oregon may not act as a dispensing physician, treat a patient for intractable pain, act as a supervising physician of a licensed physician assistant or an Oregon-certified First Responder or Emergency Medical Technician.

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Per the DEA, health care professionals can now prescribe a controlled substance to a patient via telemedicine technology without first conducting an in-person evaluation if the following conditions are met:

- Prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of their professional practice;
- Telemedicine communication is conducted using audio/visual, real-time, two way interactive communication system; and
- Practitioner is acting in accordance with federal and state law.

Additional information regarding opioid prescribing using telemedicine is linked here:

<https://mhealthintelligence.com/news/dea-okays-telehealth-to-prescribe-opioids-amid-covid-19-emergency> and <https://www.deadiversion.usdoj.gov/coronavirus.html>

2.3 HIPAA Compliance.

The US Department of Health and Human Services Office for Civil Rights (OCR) has announced that it will not impose penalties for non-compliance with HIPAA regulatory requirements if health care providers provided telehealth in good faith during the COVID-19 public health emergency.

OCR has also advised that, during this public health emergency, covered health providers may use applications that allow for video chats, such as FaceTime, Facebook Messenger video chat, Google Hangouts video, or Skype, to provide telehealth related to the good faith provision of telehealth during the COVID-19 public emergency, without risk that OCR might seek to impose a penalty for noncompliance with HIPAA rules. That being said, providers are encouraged to notify patients that these third party applications potentially introduce privacy risks. Providers should also enable all available encryption and privacy modes when using such applications.

However, applications such as Facebook Live, Twitch, TikTok and similar video communication applications are public facing, and should not be used in the provision of telehealth by healthcare providers.

OCR guidance regarding these issues is linked here: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>