

Administrative Rules for Telehealth Credentialing

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Part 1 Definitions

- 1-1 “Credential”** means a government-issued professional license, certification, or registration.
- 1-2 “Medical emergency information”** means a notice to call 911 or go to the nearest emergency department in a medical emergency.
- 1-3 “Mental health crisis information”** means:
- (a) a location within 50 miles of the patient where the patient can access in-person crisis or emergency mental health services; and
 - (b) the number of a crisis care phone line.
- 1-4 “Office”** means the Vermont Office of Professional Regulation.
- 1-5 “Patient”** means patient or client.
- 1-6 “Telehealth”** is defined in 26 V.S.A. § 3052.
- 1-7 “Telehealth credential”** means an Office-issued telehealth license or telehealth registration.
- 1-8 “Telehealth professional”** means a person who holds a Vermont telehealth credential.

Part 2 Eligibility, Renewal, and Practice—All Professions

- 2-1 Eligibility.** To qualify for a telehealth credential, an applicant must:
- (a) reside primarily outside of Vermont;
 - (b) hold a license, certificate, or registration that:
 - (1) is for a profession listed in 26 V.S.A. § 3051(a);
 - (2) is not an ineligible license type under 2-2(a);
 - (3) is in good standing as defined in 26 V.S.A. § 3052;
 - (4) was issued by a state of the United States, the District of Columbia, or any territory or insular area under U.S. jurisdiction;

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- (5) authorizes the same or a broader scope of practice than the equivalent full Vermont credential; and
- (6) is not a temporary, student, trainee, provisional, telehealth, or other type of credential that limits the full professional scope of practice;
- (c) submit a copy of required disclosures;
- (d) pass any Vermont Statutes and Rules examination required for the corresponding full Vermont credential;
- (e) answer all required questions, make all required attestations, submit all required documents, and pay the required fee; and
- (f) meet any further profession-specific requirements.

2-2 Ineligible license types and specialties.

- (a) **License types.** License types ineligible for telehealth credentials include:
 - (1) apprentice addiction professionals;
 - (2) assistant behavior analysts;
 - (3) certified alcohol and drug abuse counselors;
 - (4) chiropractic interns;
 - (5) dental therapists, hygienists, and assistants;
 - (6) licensed nursing assistants;
 - (7) occupational therapy assistants;
 - (8) pharmacy technicians; and
 - (9) physical therapy assistants.
- (b) **Specialties.** Telehealth professionals are ineligible for the dental sedation and naturopathic childbirth specialties.
- (c) **Pharmacy alternative credential.** The practice of pharmacy by telehealth (telepharmacy) is governed by the *Board of Pharmacy Administrative Rules*, C.V.R. 04-030-230. See those rules for information on telepharmacy licensure.

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2-3 Renewal.

- (a) **Licenses.** Telehealth licenses are valid for 2 years, renewable on the same cycle as the corresponding full Vermont credential. To renew a telehealth license, a licensee must demonstrate continued eligibility under 2-1.
- (b) **Registrations.** Telehealth registrations are valid for 120 days and are not renewable.

2-4 Limited scope and number of patients. A telehealth credential authorizes practice:

- (a) only by telehealth, not in person;
- (b) for a license, with up to 20 unique patients during the 2-year license term; and
- (c) for a registration, with up to 10 unique patients during the 120-day registration term.

2-5 Standard of care. A telehealth professional must follow the same established standard of care as for in-person medical practice. When this standard cannot be met by virtual means, telehealth practice is inappropriate. Failure to meet the standard of care is unprofessional conduct under 3 V.S.A. § 129a.

2-6 Vermont laws applicable. A telehealth professional must follow all statutes and rules applicable to their profession, including but not limited to:

- (a) 3 V.S.A. Ch. 5, subch. 3, which governs all Office professions;
- (b) the profession-specific chapter of 26 V.S.A.; and
- (c) any profession-specific administrative rules, which appear in part 04-030 of the Code of Vermont Rules and on the Office website.

2-7 Mandatory disclosures. A telehealth professional must make the following disclosures to each patient.

- (a) **Timing.** A telehealth professional must make these required disclosures before first delivering telehealth services, even if they have seen the patient before in person.
- (b) **Form.** Disclosures must be in writing, easily readable, and documented in patient health records. They may be electronic or tangible.

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- (c) **Contents.** A telehealth professional's disclosures must include:
- (1) their name, email address, and phone number;
 - (2) the credential number and issuing jurisdiction of their full professional credential;
 - (3) all information required by 18 V.S.A. § 9361 (telehealth informed consent);
 - (4) the definition of unprofessional conduct under 3 V.S.A. § 129a and the profession-specific chapter of 26 V.S.A.;
 - (5) the method for filing a complaint with the Office; and
 - (6) any additional disclosures required by Part 3, below, or the profession's administrative rules or statutes.

Part 3 Requirements for Specific Professions.

- 3-1 Applied behavior analysts** must disclose their professional qualifications and experience.
- 3-2 Clinical mental health counselors** must disclose mental health crisis information.
- 3-3 Dentists** must disclose medical emergency information.
- 3-4 Dietitians.** A dietetics applicant must:
- (a) be registered with the Commission on Dietetic Registration (CDR) as a Registered Dietitian (RD) or Registered Dietitian Nutritionist (RDN); or
 - (b) successfully complete:
 - (1) a bachelor's or higher degree in dietetics from an accredited institution;
 - (2) 900 hours of supervised practice under a CDR-registered dietitian; and
 - (3) CDR's Registration Examination for Dietitians.
- 3-5 Family and marriage therapists** must disclose mental health crisis information.
- 3-6 Midwives.**
- (a) **Eligibility.** A midwifery applicant must:
 - (1) be certified by the North American Registry of Midwives; and

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(2) have a written agreement with a Vermont-based birth provider to provide in-person services as needed.

(b) **Disclosures.** A midwife must disclose:

(1) medical emergency information; and

(2) the name and contact information of the collaborating provider required by 3-6(a)(2).

3-7 Naturopathic physicians must disclose medical emergency information.

3-8 Nurses.

(a) **APRN Eligibility.** An Advanced Practice Registered Nurse (APRN) applicant must:

(1) be nationally certified for their patient population focus; and

(2) meet any applicable transition-to-practice requirements under the *Administrative Rules of the Board of Nursing, C.V.R. 04-030-170*. The collaborating provider must hold a Vermont telehealth license or full Vermont license in good standing.

(b) **Disclosures.** All nurses must disclose:

(1) medical emergency information; and

(2) the name and contact information of any entity on whose behalf they are working.

3-9 Nursing home administrators must disclose the name and contact information of any entity on whose behalf they are working.

3-10 Osteopathic physicians must disclose medical emergency information.

3-11 Psychologists must disclose mental health crisis information.

3-12 Respiratory care practitioners must disclose medical emergency information.

3-13 Social workers must disclose mental health crisis information.