



NORTH DAKOTA

What is the definition of “telemedicine” or “telehealth”?

As of July 2017, the North Dakota Board of Medicine’s proposed telemedicine regulations ([N.D. ADMIN. CODE 50-02-15-01 et seq.](#)) remain in draft.

A North Dakota statute enacted in 2017 pertaining to individual and group health insurance coverage of telehealth services defines “telehealth” as follows:

“Telehealth’:

(1) Means the use of interactive audio, video, or other telecommunications technology that is used by a health care provider or health care facility at a distant site to deliver health services at an originating site and that is delivered over a secure connection that complies with the requirements of state and federal laws.

(2) Includes the use of electronic media for consultation relating to the health care diagnosis or treatment of a patient in real time or through the use of store-and-forward technology.

(3) Does not include the use of audio - only telephone, electronic mail, or facsimile transmissions.”

[N.D. CENT. CODE §§ 26.1-36-09.15\(1\)\(g\).](#)

The North Dakota Medicaid Program defines “telemedicine” as “the use of interactive audio-video equipment to link practitioners and patients at different sites.”

North Dakota Department of Human Services, Medical Services Division, [Medicaid Medical Policy – Telemedicine Services](#) (Jan. 14, 2015).

What is the definition of “telemental,” “telebehavioral,” and “telepsychiatry”?

In an October 2014 statement published by the North Dakota State Board of Psychologist Examiners, the term “telepsychology” is defined as “[t]he use of technology to provide psychological services via remote means. . . .”

North Dakota State Board of Psychologist Examiners, [Board Statement on Telepsychology in North Dakota](#) (Oct. 2014), at 1.



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PSYCHIATRISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

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What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

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Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

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COUNSELORS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Although no special/specific telemedicine license is required for "Distance Counseling," the North Dakota Board of Counselor Examiners requires that counselors who "wish to practice counseling via Internet with clients residing in North Dakota . . . must be licensed by the North Dakota Board of Counselor Examiners."

The Board also cautions counselors "to be aware of the laws and requirements of the state where the client resides, which may require licensure in that state."

North Dakota Board of Counselor Examiners, *Distance Counseling*, <http://www.ndbce.org/distance.shtml>.

PRIVACY/CONFIDENTIALITY

What are the specific privacy/confidentiality requirements involving mental health records?



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Updated link: [N.D. CENT. CODE § 23-12-14.](#)

FOLLOW-UP CARE

What are the requirements regarding follow-up care for telemental/telebehavioral/telepsychiatric health services?

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COVERAGE & REIMBURSEMENT

Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?

Yes, per the state's parity statute for telehealth coverage and reimbursement:

"An insurer may not deliver, issue, execute, or renew a policy that provides health benefits coverage unless that policy provides coverage for health services delivered by means of telehealth. . . . Payment or reimbursement of expenses for covered health services delivered by means of telehealth under this section may be established through negotiations conducted by the insurer with the health services providers in the same manner as the insurer with the health services providers in the same manner as the insurer establishes payment or reimbursement of expenses for covered health services that are delivered by in-person means."

[N.D. CENT. CODE §§ 26.1-36-09.15\(2\)-\(3\).](#)