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

Utah defines “digital health service” to mean “the electronic transfer, exchange, or management of related data for diagnosis, treatment, consultation, educational, public health, or other related purposes.”

[UTAH CODE ANN. § 26-9f-102\(2\)](#).

The recently enacted Utah Telehealth Act (effective as of May 2017) defines “telehealth services” to mean “the transmission of health-related services or information through the use of electronic communication or information technology.”

[UTAH CODE ANN. § 26-60-102\(7\)](#).

Additionally, the Utah Telehealth Act defines “telemedicine services” to mean “telehealth services:

- (a) including:
 - (i) clinical care;
 - (ii) health education;
 - (iii) health administration;
 - (iv) home health; or
 - (v) facilitation of self-managed care and caregiver support; and
- (b) provided by a provider to a patient through a method of communication that:
 - (i) (A) uses asynchronous store and forward transfer; or (B) uses synchronous interaction; and
 - (ii) meets industry security and privacy standards, including compliance with: (A) the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; and (B) the federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.”

[UTAH CODE ANN. § 26-60-102\(8\)](#).

Furthermore, the *Utah Medicaid Provider Manual* defines “telemedicine” as “two-way, real-time interactive communication between the member and the physician or authorized provider at the distant site. This electronic communication uses interactive telecommunications equipment that includes, at a minimum, audio and video equipment.”

[Utah Department of Health, Division of Medicaid and Health Financing, Utah Medicaid Provider Manual, Section I \(General Information\), 8-4.2 \(July 2017\)](#).



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PSYCHIATRISTS

What are the restrictions on the scope of practice for psychiatrists practicing via telemedicine/telehealth?

The recently enacted Utah Telehealth Act (effective as of May 2017) provides the following requirements regarding the scope of telehealth practice:

A provider offering telehealth services shall:

- (a) at all times:
 - (i) act within the scope of the provider's license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and
 - (ii) be held to the same standards of practice as those applicable in traditional health care settings;
- (b) in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:
 - (i) obtaining from the patient or another provider the patient's relevant clinical history; and
 - (ii) documenting the patient's relevant clinical history and current symptoms;
- (c) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;
- (d) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and
- (e) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records.

[UTAH CODE ANN. § 26-60-103\(1\).](#)

Additionally, it is considered unprofessional conduct when a mental health professional who provides services remotely fails to:

- practice according to professional standards of care in the delivery of services remotely;
- protect the security of electronic, confidential data and information; or



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- appropriately store and dispose of electronic, confidential data and information.

[UTAH ADMIN. CODE r. 156-60-502.](#)

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

Updated link: [UTAH CODE ANN. § 58-67-305.](#)

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

The recently enacted Utah Telehealth Act (effective as of May 2017) provides that “in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after: (i) obtaining from the patient or another provider the patient’s relevant clinical history; and (ii) documenting the patient’s relevant clinical history and current symptoms.”

[UTAH CODE ANN. § 26-60-103\(1\)\(b\).](#)

PSYCHOLOGISTS

What are the restrictions on the scope of practice for psychologists practicing via telemedicine/telehealth?

The recently enacted Utah Telehealth Act (effective as of May 2017) provides the following requirements regarding the scope of telehealth practice:

A provider offering telehealth services shall:

- (a) at all times:
 - (i) act within the scope of the provider’s license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and
 - (ii) be held to the same standards of practice as those applicable in traditional health care settings;
- (b) in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:



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- (i) obtaining from the patient or another provider the patient's relevant clinical history; and
- (ii) documenting the patient's relevant clinical history and current symptoms;
- (c) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;
- (d) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and
- (e) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records.

[UTAH CODE ANN. § 26-60-103\(1\).](#)

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- protect the security of electronic, confidential data and information; or
- appropriately store and dispose of electronic, confidential data and information.

[UTAH ADMIN. CODE r. 156-60-502.](#)

SOCIAL WORKERS

What are the restrictions on the scope of practice for social workers practicing via telemedicine/telehealth?

The recently enacted Utah Telehealth Act (effective as of May 2017) provides the following requirements regarding the scope of telehealth practice:

A provider offering telehealth services shall:

- (a) at all times:
 - (i) act within the scope of the provider's license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and
 - (ii) be held to the same standards of practice as those applicable in traditional health care settings;



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- (b) in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:
- (i) obtaining from the patient or another provider the patient's relevant clinical history; and
 - (ii) documenting the patient's relevant clinical history and current symptoms;
- (c) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;
- (d) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and
- (e) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records.

[UTAH CODE ANN. § 26-60-103\(1\).](#)

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- practice according to professional standards of care in the delivery of services remotely;
- protect the security of electronic, confidential data and information; or
- appropriately store and dispose of electronic, confidential data and information.

[UTAH ADMIN. CODE r. 156-60-502.](#)

COUNSELORS

What are the restrictions on the scope of practice
for counselors practicing via telemedicine/telehealth?

The recently enacted Utah Telehealth Act (effective as of May 2017) provides the following requirements regarding the scope of telehealth practice:

A provider offering telehealth services shall:

- (a) at all times:



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- (i) act within the scope of the provider's license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and
 - (ii) be held to the same standards of practice as those applicable in traditional health care settings;
- (b) in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:
- (i) obtaining from the patient or another provider the patient's relevant clinical history; and
 - (ii) documenting the patient's relevant clinical history and current symptoms;
- (c) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;
- (d) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and
- (e) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records.

[UTAH CODE ANN. § 26-60-103\(1\).](#)

Additionally, it is considered unprofessional conduct when a mental health professional who provides services remotely fails to:

- practice according to professional standards of care in the delivery of services remotely;
- protect the security of electronic, confidential data and information; or
- appropriately store and dispose of electronic, confidential data and information.

[UTAH ADMIN. CODE r. 156-60-502.](#)

MARRIAGE/FAMILY THERAPISTS

What are the restrictions on the scope of practice for marriage/family therapists practicing via telemedicine/telehealth?

The recently enacted Utah Telehealth Act (effective as of May 2017) provides the following requirements regarding the scope of telehealth practice:



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A provider offering telehealth services shall:

- (a) at all times:
 - (i) act within the scope of the provider's license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and
 - (ii) be held to the same standards of practice as those applicable in traditional health care settings;
- (b) in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:
 - (i) obtaining from the patient or another provider the patient's relevant clinical history; and
 - (ii) documenting the patient's relevant clinical history and current symptoms;
- (c) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;
- (d) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and
- (e) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records.

[UTAH CODE ANN. § 26-60-103\(1\).](#)

Additionally, it is considered unprofessional conduct when a mental health professional who provides services remotely fails to:

- practice according to professional standards of care in the delivery of services remotely;
- protect the security of electronic, confidential data and information; or
- appropriately store and dispose of electronic, confidential data and information.

[UTAH ADMIN. CODE r. 156-60-502.](#)



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ADVANCED PRACTICE REGISTERED NURSES (APRNs)

What are the restrictions on the scope of practice for APRNs practicing via telemedicine/telehealth?

The recently enacted Utah Telehealth Act (effective as of May 2017) provides the following requirements regarding the scope of telehealth practice:

A provider offering telehealth services shall:

- (a) at all times:
 - (i) act within the scope of the provider's license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and
 - (ii) be held to the same standards of practice as those applicable in traditional health care settings;
- (b) in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:
 - (i) obtaining from the patient or another provider the patient's relevant clinical history; and
 - (ii) documenting the patient's relevant clinical history and current symptoms;
- (c) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;
- (d) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated; and
- (e) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records.

[UTAH CODE ANN. § 26-60-103\(1\).](#)

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- practice according to professional standards of care in the delivery of services remotely;
- protect the security of electronic, confidential data and information; or



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- appropriately store and dispose of electronic, confidential data and information.

[UTAH ADMIN. CODE r. 156-60-502.](#)

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

Updated link: [UTAH CODE ANN. § 58-31d-103.](#)

The recently enacted Utah Telehealth Act (effective as of May 2017) provides that “in accordance with Title 58, Chapter 82, Electronic Prescribing Act, before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after: (i) obtaining from the patient or another provider the patient’s relevant clinical history; and (ii) documenting the patient’s relevant clinical history and current symptoms.”

[UTAH CODE ANN. § 26-60-103\(1\)\(b\).](#)

FOLLOW-UP CARE

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

“A provider offering telehealth services shall be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice.”

[UTAH CODE ANN. § 26-60-103\(1\)\(c\).](#)

COVERAGE & REIMBURSEMENT

Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria?

“The [Utah] Medicaid program shall reimburse for personal mental health therapy office visits provided through telemedicine services at a rate set by the Medicaid program.”

[UTAH CODE ANN. § 26-18-13.5\(3\).](#)



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Covered services may be delivered by means of telemedicine, as clinically appropriate. Services include, but are not limited to, consultation services, evaluation and management services, mental health services, and substance use disorder services.

Limitations

- Telemedicine encounters must comply with HIPAA privacy and security measures to ensure that all patient communications and records, including recordings of telemedicine encounters, are secure and remain confidential. The provider is responsible for determining if the encounter is HIPAA compliant. Security measures for transmission may include password protection, encryption, and other reliable authentication techniques.
- Compliance with the Utah Health Information Network (UHIN) Standards for Telehealth must be maintained. These standards provide a uniform standard of billing for claims and encounters delivered via telehealth.
- The provider at the originating site receives no additional reimbursement for the use of telemedicine.

[Utah Department of Health, Division of Medicaid and Health Financing, Utah Medicaid Provider Manual, Section I \(General Information\), 8-4.2 \(July 2017\).](#)