



COVID-19 STATE RESOURCES

STATE ACTIONS ON TELEBEHAVIORAL HEALTH

SUMMARY

The following reference guide is a compilation of state actions taken regarding telebehavioral health as a result of COVID-19 to date. Please click on the links provided for relevant information including telebehavioral health regulations, insurance commission data, Medicaid guidance, and additional updates. This guide is not exhaustive and will be updated periodically.

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Introduction:

A Kaiser Health News [article](#) published in Time Magazine in August 2021 noted that as COVID-19 emergency orders for telehealth services are expiring, temporarily waived rules for licensed clinicians are being revoked and recreating barriers to care for clients. For example, [Johns Hopkins Medicine](#) in Baltimore, Maryland had to cancel over 1,000 appointments with Virginia clients due to [Virginia's expiring orders](#).

As of early September 2021, at least 30 states and the District of Columbia have ended their emergency declarations. Of the standing emergency orders, approximately 16 states still have licensure flexibilities in place. Additionally, Arizona and Florida continue to allow out-of-state providers to register with the state to practice telemedicine in the state, per state law. Connecticut passed a bill to allow out-of-state providers to provide telehealth services to in-state patients through June 30, 2023. And Vermont's pandemic-related waivers are extended through March 31, 2022. Further updates are provided below for states and territories.

Counseling Compact and Telebehavioral Health:

The American Counseling Association has partnered with the National Center for Interstate Compacts to fund the drafting of an interstate compact for licensure portability ("Counseling Compact").

[CounselingCompact.org](#) is a resource for providers, public officials, and clients alike with talking points, fact sheets, infographics, and further information on the [difference between reciprocity and an interstate compact](#) for licensure portability.

For more information on American Counseling Association's work to support telebehavioral health and practice across state lines, please visit [CounselingCompact.Org](#).

State Telebehavioral Health Updates:

AL - The governor has terminated the state's [public health emergency](#).

AK - The governor's office, in partnership with the Department of Health and Social Services (DHSS) formally announced the expansion of Medicaid telehealth coverage (inclusive of telebehavioral healthcare) through the Alaska Medicaid program. More information on this announcement can be found [here](#). Alaska's Department of Health and Social Services (DHSS) will continue to operate its COVID-19 response under the same language provided here. However, the most recent [Public Health Order](#), has no interstate licensing waivers included.

AR - The state emergency declaration expired on May 30, 2021.

AS - The governor declared a state of emergency regarding COVID-19. Implementation of health policy related to COVID-19 will be handled through the Ministry of Health Duties. Contact the Minister of Health [here](#).

AZ – During the recent legislative session, [HB 2454](#) passed both chambers and was signed into law on June 5, 2021. This bill permanently allows health care providers licensed in another jurisdiction and in good standing to practice telemedicine. The Public Health Emergency is still in place. View the executive order [here](#).

CA – The public health state of emergency is still active until further notice. Find telebehavioral health guidance [here](#).

CO - Colorado’s state of emergency was [lifted on July 8, 2021](#).

CT – During the recent legislative session, Governor Lamont signed [HB 5596](#), which allows out of state providers to practice telemedicine with CT residents for two years (concluding June 30, 2023).

DC – State emergency order has [expired](#).

DE - Out-of-state privileges and telehealth waivers for behavioral health providers are continued per [HB 348](#). More guidance and up-to-date information can be found [here](#).

FL – The public health emergency expired on [June 26, 2021](#).

GA – The public health emergency has expired. Georgia has joined the [Counseling Compact](#).

GU – Information still forthcoming

HI – Information still forthcoming

IA – The state public health emergency has [expired](#).

ID – The state public health emergency has [expired](#).

IL – Out-of-state provider flexibilities are active until the end of the disaster proclamation for established clients only. Read the executive order [here](#). Read the provider notice [here](#).

IN – Licensure flexibilities are set to expire [September 30, 2021](#). More information can be found through the IHCP at 1-800-457-4584 or their bulletins and updates [here](#).

KS – The state public health emergency has [expired](#).

KY – Following federal guidance, the state public health emergency has been extended and is currently scheduled to expire on [October 17, 2021](#). At the conclusion of the public health emergency, these flexibilities will end. Find guidance on Medicaid expansion, including a waiver of cost-sharing and elimination of prior authorization [here](#). Standing telehealth law can be found [here](#). Information on home and community-based service waivers can be found [here](#).

LA – The state public health emergency has [expired](#).

ME – The state public health emergency has [expired](#).

MA – The state public health emergency has expired.

MD – The state public health emergency has [expired](#). Maryland has joined the [Counseling Compact](#).

MI – The state public health emergency has expired and [waiver privileges are rescinded](#).

MN – The state public health emergency has expired.

MO – The state public health emergency has been [terminated](#).

MP - Information still forthcoming

MS - The state public health emergency has [expired](#).

MT – The state public health emergency has been [rescinded](#).

NC – The state public health emergency measures have been extended through [October 5, 2021](#). The [Counseling Compact](#) bill is currently pending in the state legislature.

ND – The state public health emergency has been [rescinded](#).

NE – The state public health emergency has [expired](#).

NH – The state public health emergency has expired. In the 2021 legislative session, the legislature passed [HB 1623](#), which was signed into law on July 21. The bill amends the state’s definition of telemedicine to include new telehealth modalities, including audio-only, and requires Medicaid and private payers to reimburse for telehealth services on the same basis that it reimburses for in-person services.

NJ – The state public health emergency has [expired](#).

NM – The state public health emergency has expired.

NV – In the most recent legislative session, the legislature passed [Senate Bill No. 5](#), which includes the delivery of telehealth services through audio-only interactions; allows providers to establish a patient relationship through telehealth; requires the state to establish a data dashboard that allows analysis of data relating to access to telehealth; and requires a thirdparty payer who is not an industrial insurer to cover services provided through telehealth, except for services provided through audio-only interaction. State public health emergency still in place. More [here](#).

NY – The state public health emergency has [expired](#). On July 12, 2021, former Gov. Andrew Cuomo signed [SB 8416](#), which added audio-only modalities to the state’s definition of telehealth.

OK – The state public health emergency has [expired](#).

OH – The state public health emergency has expired. [Counseling Compact](#) bill language is pending in the state legislature.

OR – The state public health emergency has [expired](#).

PA - Licensing waivers will remain active until [September 30, 2021](#).

PR - Information still forthcoming

RI - Telehealth flexibilities remain active until the end of the state of emergency for established patients only. In the fourth supplemental [Emergency Declaration](#) Executive Order, the governor has expanded access to telehealth, including telebehavioral health services. Location requirements, specific service platforms, and insurance carriers are expanded for inclusivity and to broaden access throughout the state. The Health Insurance Commissioner has released further guidance on Medicaid [here](#). Emergency telemedicine measures can be found [here](#).

SC – The state public health emergency has [expired](#).

SD – The state public health emergency has [expired](#).

TN – The state public health emergency has [expired](#).

TX – Earlier this year, the state legislature passed [SB 40](#), which allows behavioral health professionals to provide telehealth services.

UT - A governor's order suspending enforcement of statutes relating to telehealth services during COVID-19 is now in effect. Further information on this suspension can be found [here](#). These waivers are active until the end of the declared emergency, which is ongoing. More [here](#).

VA – The state public health emergency has [expired](#).

VI - Information still forthcoming

VT – In the recent legislative session, the state legislature passed [SB 117](#) and the governor signed it into law. S.117 extends pandemic related waivers until March 31, 2022, including reimbursement parity for audio-only modalities. The Department of Vermont Health Access (DVHA) has released an instructional memo for Medicaid providers on telehealth services. Up-to-date memos on telebehavioral health can be found [here](#).

WA - The Health Care Authority will prioritize Zoom (a video conferencing technology) licenses for those providers who need them most, including those who: 1) serve a meaningful number of Medicaid clients, 2) do not already have other HIPAA or 42 CFR Part 2-compliant video capabilities, 3) are in smaller practices with less infrastructure, 4) serve children, adolescents, pregnant or parenting women or tribal members, opioid treatment programs, substance use disorder programs, or 5) serve as community mental health centers. Read the Washington State Healthcare Authority Notice [here](#). Waivers are active throughout the COVID-19 emergency. More [here](#).

WI – The state public health emergency has expired. The legislature passed AB 148, allowing for an out-of-state practice waiver until [January 1, 2022](#).

WV – Waivers are active throughout the COVID-19 emergency. More [here](#). The West Virginia Bureau for Medical Services has released an instructional memo on telehealth modality for Medicaid providers. The memo expands services to include live video conferencing and can be found [here](#).

WY – Waivers for telehealth will be active until the end of the COVID-19 emergency. More [here](#). Following the governor's [declaration of a state emergency](#), the Wyoming Telehealth Network has released COVID-19 resources for providers. Resources for providers will be updated daily and available on the [COVID-19 Resource Page](#). You can find up-to-date guidance to providers from the Wyoming Department of Health [here](#).

LINKS TO FURTHER RESOURCES:

- [ACA Government Affairs & Public Policy Instructional Memo to States on Telebehavioral Health during a National Emergency](#)
- [Template Letter to State Governors](#)
- [ACA Endorses Telehealth State Coverage for COVID-19](#)