

Director's Forum

Licensure Requirements for the Interstate Practice of Medicine

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Telemedicine has moved from a concept to a reality and has become a part of many medical practices throughout the United States. It takes many forms—from online consultation to interactive practice Web sites to the transmittal of digital images of slides (telepathology) and MRIs/CT scans (teleradiology). Since the Internet crosses state lines, issues relating to the interstate practice of medicine arise.

In the last issue of *The Doctor's Advocate*, I discussed the electronic iHealthRecord (a personal health record endorsed by The Doctors Company) and its telemedicine applications. The important role that the electronic personal health record played after Katrina destroyed paper medical records will undoubtedly accelerate its adoption. Increasingly, I receive queries about the use of telemedicine in medical practice, usually relating to issues of medical liability and malpractice insurance coverage. I will attempt to address some of the issues that frequently arise.

The interstate practice of pathology or radiology occurs whenever a patient specimen, microscopic slide, or pathology/radiology image is sent through interstate commerce or an interstate communication system from

the state in which the patient presents for primary diagnosis to another location outside the state. In this situation, the patient is deemed to have presented for diagnosis in the state where the specimen, slide, or image is obtained.

This practice has raised the issue of whether physicians located outside the state where the patient presented for primary diagnosis must be licensed in the patient's state. Many state medical boards interpret their medical practice act to require physicians rendering a primary diagnosis and/or treatment to have a full unrestricted license to practice medicine in the state where the patient is located. Therefore, it is important to check with the appropriate state medical board to determine its licensure requirements when specimens, slides, or images are transported or transmitted across state lines for primary diagnosis.

In particular, pathologists and radiologists who engage in interstate practice (including telepathology and teleradiology) and who issue a diagnosis that is contained in the patient's medical record should check with the appropriate state medical board to determine if they need to be licensed to practice medicine in the state in which the patient presents for diagnosis or where the specimen is taken or the image is made.

Most state medical boards allow consultations (as opposed to primary diagnosis or treatment) between out-of-state physicians and in-state physicians if the consultant is licensed in another state and does not have an in-state office. Thus, intra-specialty consultation from an out-of-state pathologist or a radiologist should not require in-state licensure, provided that the consultation is at the request of an in-state pathologist or a radiologist licensed within the state and that the consultation is reflected in a report issued by the in-state pathologist or radiologist.

Your insurance policy with The Doctors Company covers professional service incidents that you perform in the covered state for a patient in the covered state. "Covered state" means the state in which you are licensed to practice medicine and in which you have notified The Doctors Company that you practice medicine. This also applies to Internet medicine (telemedicine, online consultations, and interstate medicine).

To ensure that proper coverage is in place, it is important that you advise your agent or inform us directly if you practice any element of interstate medicine. ■

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