



# Regional Model based on Exemption from Licensure

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Vita Palazzolo Berg

Telehealth Taskforce, BORIM seat

# Objectives

- Focus on continuity of care for existing patients
- Focus on practice groups located near MA borders
- Keep burden low (fees, CME, documentation)
- Build from what we know: existing law and COVID experience
- Ensure BORIM knows physicians treating patients in MA
- Ensure physicians understand that their practice must conform to MA laws and standards

# Existing Laws: Chapter 112, section 7

Sets an exemption from the requirement for licensure for a **“physician authorized to practice medicine in another state, when he is called as the family physician to attend a person temporarily abiding in the commonwealth.”**

# Chapter 112, section 7, continued

<p>ACTS, 1901. — CHAP. 467. 399</p> <p>AN ACT RELATIVE TO THE REGISTRATION OF PHYSICIANS AND SURGEONS. <i>Chap. 467</i></p> <p><i>Be it enacted, etc., as follows:</i></p> <p>SECTION 1. The examinations for registration as physicians and surgeons under the provisions of chapter four hundred and fifty-eight of the acts of the year eighteen hundred and ninety-four, and acts in amendment thereof and in addition thereto, shall be in whole or in part in writing in the English language, and shall be of a scientific and practical character. They shall include the subjects of anatomy, surgery, physiology, pathology, obstetrics, gynecology, practice of medicine and hygiene, and shall be sufficiently thorough to test the applicant's fitness to practice medicine.</p> <p>SECTION 2. Any applicant failing to pass an examination satisfactory to the board of registration in medicine, and therefore refused registration, shall be entitled within one year after such refusal, to a re-examination at a meeting of the board called for the examination of applicants, without the payment of an additional fee; but two such re-examinations shall exhaust his privilege under his original application.</p> <p>SECTION 3. Any person who, not being then lawfully authorized to practice medicine within this Commonwealth and so registered according to law, shall hold himself out as a practitioner of medicine, or shall practice or attempt to practice medicine in any of its branches, within the limits of this Commonwealth, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offence, or by imprisonment in jail for three months, or by both such fine and imprisonment; and in no case where any provision of this law has been violated shall the person so violating be entitled to receive compensation for services rendered.</p> <p>SECTION 4. Nothing in this act shall be so construed as to discriminate against any particular school or system of medicine, or to prohibit medical or surgical service in a case of emergency, or the domestic administration of family remedies; nor shall this act apply to a commissioned medical officer of the United States army, navy or marine hospital service in the discharge of his official duty; nor to a physician or surgeon from another state,</p>	<p>400 ACTS, 1901. — CHAP.</p> <p>Proviso.</p> <p>Repeal.</p> <p>Chap. 467</p> <p>Superintendent of streets of Lawrence, etc.</p> <p>Vacancies.</p> <p>Repeal.</p> <p>When to take effect.</p>	<p>ACTS, 1901. — CHAP. 467.</p> <p>AN ACT RELATIVE TO THE REGISTRATION OF PHYSICIANS AND SURGEONS.</p> <p>who is a legal practitioner in the state or another state, when in actual consultation with a physician of this Commonwealth; nor to a physician residing in another state and legally qualified to practice therein, whose general practice extends into the border towns of this Commonwealth: <i>provided</i>, that such physician does not open an office or designate a place in such towns where he may meet patients or receive calls; nor to a physician authorized to practice medicine in another state, called as the family physician to attend a person temporarily abiding in this Commonwealth. Nor shall this act apply to osteopaths, pharmacists, clairvoyants,</p> <p>of this Commonwealth; nor to a physician or surgeon residing in another state and legally qualified to practice therein, whose general practice extends into the border towns of this Commonwealth: <i>provided</i>, that such physician does not open an office or designate a place in such towns where he may meet patients or receive calls; nor to a physician authorized to practice medicine in another state, called as the family physician to attend a person temporarily abiding in this Commonwealth. Nor shall</p>
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# Existing Laws: Chapter 94C, section 18

A Massachusetts pharmacy can fill a prescription written by a physician who is not licensed in Massachusetts if:

<b>Medication is</b>	<b>Prescription was issued within the preceding</b>	<b>Pharmacist verifies that prescription was issued by authorized prescriber who</b>
Schedules III – VI	30 days	Resides and holds license in state where prescription was issued
Non-narcotic Schedule II	5 days	Holds license and resides or practices in state where prescription was issued
Narcotic Schedule II	5 days	Holds license in Maine or a contiguous state (ME, NH, VT, NY, CT, RI)

# COVID Emergency Temporary Licenses

- During COVID, BORIM issued Emergency Temporary Licenses to physicians who presented license verification that they held a license, in good standing, in another state.
- Full license based on reciprocity and required no fee.
- BORIM utilized a one page application.

# COVID Emergency Temporary Licenses, cont.

Commonwealth of Massachusetts Board of Registration in Medicine  
 200 Harvard Mill Square, Suite 330 - Wakefield, MA 01880  
 Telephone: (781) 876-8210 Fax: (781) 876-8383  
[www.mass.gov/massmedboard](http://www.mass.gov/massmedboard)

EMERGENCY TEMPORARY LICENSE APPLICATION			
<b>INSTRUCTIONS:</b> In order to qualify for an Emergency Temporary License, a physician must hold an active full, unlimited and unrestricted medical license in another U.S. state/territory/district. Please complete all sections below and e-mail the completed, signed form to the following e-mail address: <a href="mailto:emergency.medical.license@mass.gov">emergency.medical.license@mass.gov</a>			
1. Legal Name	Last	First	Middle Suffix
2. Medical School			
3. Degree Type	<input type="checkbox"/> M.D. <input type="checkbox"/> D.O.	4. Graduation Date	____/____/____ Month / Year
5. Social Security Number	6. NPI Number		
7. Date of Birth	____/____/____ Month / Day / Year	8. Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
9. Mailing Address	Number and Street		
	City		State/Province/Territory Zip (or postal) Code
10. Telephone Numbers	Home #	Cell #	
11. E-mail Address (will be used for correspondence)			
<b>U.S. MEDICAL LICENSURE</b>			
I am qualified for an Emergency Temporary License in Massachusetts due to the fact that I currently hold an active full, unlimited and unrestricted medical license in good standing in the following U.S. state/territory/district: _____ <i>(If licensed in multiple jurisdictions, please list your primary jurisdiction.)</i>			
<b>DECLARATION OF APPLICANT</b>			
Under the penalties of perjury, I declare that to the best of my knowledge and belief, the information contained herein is true, correct and complete. I understand that any falsification or misrepresentation of any item on this application may be a sufficient basis for denying or revoking a license.			
SIGNATURE: _____ DATE: _____			
Applicants will receive confirmation via e-mail that the Emergency Temporary License has been issued. Emergency Temporary Licenses are valid for the duration of Executive Order No. 591, Declaration of a State of Emergency to Respond to COVID-19, and will be valid until Executive Order No. 591 is rescinded by the Governor or until the State of Emergency is terminated, whichever occurs first.			

1. Legal Name	Last	First	Middle	Suffix
2. Medical School				
3. Degree Type	<input type="checkbox"/> M.D. <input type="checkbox"/> D.O.	4. Graduation Date	____/____/____ Month / Year	
5. Social Security Number	6. NPI Number			
7. Date of Birth	____/____/____ Month / Day / Year	8. Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	
9. Mailing Address	Number and Street			
	City		State/Province/Territory	Zip (or postal) Code
10. Telephone Numbers	Home #	Cell #		
11. E-mail Address (will be used for correspondence)				

# COVID Emergency Temporary Licenses, cont.

- Prior to issuance, BORIM checked FSMB's Physician Data Center to verify that all licenses issued to the physician in other states were in good standing
- BORIM periodically rechecked FSMB's Physician Data Center
- BORIM implemented a mechanism for automatic license termination by operation of law on basis of information that physician no longer held all licenses in good standing, issued on receipt of documentation that another state took an action

# What could a regional expanded exemption look like?

- New law setting an exemption in MA law for physicians from 6 states: ME, NH, VT, NY, CT and RI.
- For mutuality, the 6 states would need to pass a similar law. MA Law could require mutuality before exemption in MA takes effect.
- Exemption would be patient specific and allow treatment of patients who are located in MA with whom the out of state physician has an established physician-patient relationship.
- Exemption would be limited to physicians who hold a valid license in one of the 6 states; provided the physician's license(s) is in good standing in all states where issued and provided that they register with BORIM.

# What would the exempt physician need to do?

- Submit a simple application that will provide sufficient information to:
  - identify the physician's identity and basic credentials, and
  - verify license information in other states
- Sign an agreement (details in upcoming slide)
- Low or no fee, no CME requirements, registration valid for 2 years, must reapply to renew

# Terms of Agreement

- License status and absence of any pending complaints or criminal charges
- Reporting requirement re: complaints and charges
- MA laws & standards apply when treating MA patient
- Only established patients
- Rescission for:
  - Failure to report, treating new patients, violating state laws or standards
  - Discipline imposed by another state licensing board\*
  - Criminal conviction in any state\*

# What would BORIM need to do?

- Publish a registry of approved physicians
  - Notify the other Boards within the region that issued a license when:
    - Physician's exemption registration is approved, renewed, lapsed or terminated
    - Action was taken on a license issued to the physician\*
    - A complaint was received against a physician\*
  - Share investigation information with Boards that issued a license\*
- \*except to the extent that a state's Shield Laws may apply

# Other states in the region

- BORIM made inquiries to the medical boards in the region to learn if they have any existing laws that allow physicians licensed in neighboring states to treat patients in their state.
- Maine, Rhode Island, Vermont, New Hampshire and Connecticut have responded. New York has not.
- None have laws specific to the neighboring states. While most answered that a physician must have a license to treat patients in their state, some noted that their laws do allow some exemptions.
- Common exemptions are consultation, athletic team, military and medical educators

# Comparison with IMLC and DC/MD/VA model

	Regional exemption	IMLC	DC/MD/VA model
Does it require Legislation to pass in MA?	Yes	Yes	No
Does it require Legislation to pass in other states?	Yes	Yes*	No
Full license?	No	Yes	Yes
Application in each state	Minimal	Expedited	Expedited
Licensee fee to each state	No**	Yes	Yes
CME requirements in each state?	No	Yes	Yes
*Most states have already passed			
**Low or no registration processing fee			