

Telehealth Licensing and Controlled Substance Laws
AK, ID, MT + Federal Controlled Substance
Last updated 4/1/2020
(Subject to further updates)

The table below summarizes (i) licensure, and (ii) controlled substance rules in effect during the COVID-19 public health emergency for:

- Certain Washington licensed providers (physicians, physician assistants, and nurse practitioners)
- Providing health care services
- Via telehealth
- Directly to patients
- Who are located in another state (AK, ID, or MT)

For information on other states, or more recent updates of the three states summarized herein, see also:

- **Physicians & Physician Assistants:** Federation of State Medical Boards:
<https://www.fsmb.org/siteassets/advocacy/pdf/state-emergency-declarations-licensure-requirements-covid-19.pdf>
- **Nurse Practitioners:** American Association of Nurse Practitioners:
<https://www.aanp.org/advocacy/state/emergency-state-licensure-covid-19-response>

Physician and Physician Assistants			
State	State licensure requirement waived during COVID-19 emergency for telehealth?	Limitations (if any) on controlled substances prescriptions eased for telehealth?	Citations
Alaska	Yes, AK license waived for practitioner during COVID-19 emergency with the following limitations: (1) law pending signature by Governor (sent 4/1/2020 for signature); (2) does not allow prescribing of controlled substances without first an in-person examination; (3) practitioner must be licensed in good standing in another state (4) practitioner must be practicing within the scope of his/her license; (5) practitioner must advise patient if services are required outside	Some easing of controlled substance limitations, with the following limitations: (1) AK license still required to prescribe controlled substances without first an in-person examination (see SB 241, which excludes prescriptions of controlled substances from licensure waiver if no in-person examination). (2) If practitioner has AK license, during COVID-19 emergency, requirement for established in person visit prior to prescribing controlled substances waived.	Senate Bill 241, sent to governor for signature 4/1/2020 http://www.akleg.gov/PDF/31/Bills/SB0241Z.PDF (retrieved 4/1/2020) Guidance Issued by Division of Corporations, Business and Professional Licensing https://www.commercealaska.gov/web/Portals/5/pub/TelehealthLicensingGuidelinesCOVID193.18.20.pdf (retrieved 3/26/2020) (note that this guidance pre-dates the legislation waiving licensure laws)

	<p>provider's scope and then terminate the encounter; and</p> <p>(6) charges must be reasonable.</p> <p>Note: other organizational registration/licensure requirements also apply, which Seattle Children's has already met, including registration as a telehealth business and state licensure of the organization.</p>	<p>DEA-registered practitioners may issue prescriptions for controlled substances to patients for whom they have not conducted an in-person medical evaluation if certain conditions must be met:</p> <p>(a) Prescription is for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice</p> <p>(b) The telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system (Zoom, FaceTime, Skype, etc.)</p> <p>(c) The practitioner is acting in accordance with applicable federal and state law</p>	
Idaho	<p>Yes, ID license requirements waived during Covid-19 emergency. practitioner treating ID patients are encouraged to notify the Board of their intent to practice in Idaho. Provider must comply with the non-suspended portions of the telehealth access act (e.g., follow Idaho standard of care, obtain patient consent (oral okay) to telehealth perform evaluation).</p>	<p>No special rules regarding controlled substances and telehealth. Must comply with federal law.</p>	<p>State Medical Board https://bom.idaho.gov/BO_MPortal/Home.aspx</p> <p>Telehealth Access Act: https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title54/T54CH57.pdf (retrieved 3/26/2020)</p>
Montana	<p>Yes, MT licensure requirement waived if practitioner registers with the state of MT: http://boards.bsd.dli.mt.gov/med</p>	<p>Yes, during the state of emergency, requirement for established in person visit prior to prescribing Schedule II controlled substances waived.</p>	<p>Governor's Directive Providing for expanded telehealth http://boards.bsd.dli.mt.gov/Portals/133/Documents/med/COVID-19/Directive%20on%20Telehealth.pdf?ver=2020-03-24-082744-897 (retrieved 3/26/2020)</p>

Nurse Practitioners			
State	State licensure requirement waived during COVID-19 emergency for telehealth?	Limitations on prescriptions of controlled substances eased for telehealth?	Citations
Alaska	Yes. Same as physician/NP. See Senate Bill 241.	Yes. Same as physician/NP. See Senate Bill 241.	Senate Bill 241, sent to governor for signature 4/1/2020 http://www.akleg.gov/PDF/31/Bills/SB0241Z.PDF (retrieved 4/1/2020) Guidance Issued by Division of Corporations, Business and Professional Licensing https://www.commerce.alaska.gov/web/Portals/5/pub/TelehealthLicensingGuidelinesCOVID193.18.20.pdf (retrieved 3/26/2020) (note that this guidance pre-dates the legislation waiving licensure laws)
Idaho	Yes. Temporary licensure required. Streamlined method appears available. Website states: If you are an Advance Practice Registered Nurse (APRN) licensed in another state, please create an account in the online Idaho Nurse Portal and complete the Initial APRN Application and request a temporary license within the application. Prior to submitting the application, you must call the Idaho Board of Nursing at (208) 577-2476 to initiate bypass payment so, we can ensure the fee is waived otherwise you will be required to pay for the application. You should then see a "Submit" button not requiring payment	No special rules regarding controlled substances and telehealth. Must comply with federal law.	Idaho Board of Nursing Guidance https://ibn.idaho.gov/aprn-licensed-in-a-state-other-than-idaho/ (retrieved 4/1/2020) Telehealth Access Act: https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title54/T54CH57.pdf (retrieved 3/26/2020)

Montana	No. Only available for volunteer practitioners.	No special rules regarding controlled substances and telehealth identified for APRNs. If there are any, Governor's declaration would waive them as declaration did for requirements for physicians and physician assistants.	<p>Interstate Licensure Recognition Volunteer Professionals https://leg.mt.gov/bills/mca/title_0100/chapter_0030/part_0010/section_0180/0100-0030-0010-0180.html (Retried 4/1/2020)</p> <p>Governor's Directive Providing for expanded telehealth http://boards.bsd.dli.mt.gov/Portals/133/Documents/med/COVID-19/Directive%20on%20Telehealth.pdf?ver=2020-03-24-082744-897 (retrieved 3/26/2020)</p>
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Select Federal Laws Regarding Controlled Substances		
Topic	Description	Citations
Ryan Haight Act	<p>The Ryan Haight Act's requirements regarding an in-person examination have been waived during the COVID-19 emergency. The DEA has issued guidance that a prescription for controlled substances can be issued via telemedicine without an in-person medical evaluation during the COVID-19 public health emergency if:</p> <ul style="list-style-type: none"> • The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice; • The telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system; and • The practitioner is acting in accordance with applicable Federal and State laws. 	https://www.dea.diversion.usdoj.gov/coronavirus.html
Written Prescriptions and Signatures	<p>Seattle Children's Corporate Compliance and Pharmacy are working on guidance regarding signatures and written prescriptions for controlled substances. Generally, the DEA is requiring written prescriptions for controlled substances, unless an exception is met for oral prescriptions in an emergency followed by written documentation. Requirements for signatures (manual signatures or electronic) for controlled substances currently are not waived.</p>	https://www.dea.diversion.usdoj.gov/GDP/(DEA-DC-021)(DEA073)%20Oral%20CII%20for%20regular%20CII%20script%20(Final)%20+ESign%20a.pdf