



## **50 State Public Health Emergency Survey**

This survey was produced by the Center for Telehealth and e-Health Law (CTeL). For 25 years, CTeL has been the leading source of legal, regulatory, and policy intelligence for the telehealth community. CTeL is a 501(C)3 non profit, political and vendor-agnostic research institute.

This survey outlines the status of state governments' COVID-19 public health emergencies and serves as a point of reference for the telehealth community as states begin to terminate their emergency orders.

*[This document will be updated on a weekly basis.](#)*

### **Alabama**

PHE status: **EXPIRED**. Alabama's State of Emergency order ended July 6, 2021. Alabama has been an early adopter of expanded telehealth usage. Alabama was one of the first states to join the Interstate Medical Licensing Compact, allowing out-of-state physicians to consult patients via telemedicine.

### **Alaska**

PHE status: **EXPIRED**. Governor Mike Dunleavy ended the Public Health Emergency order on April 30, 2021. Alaska's medical licensing waivers ended when the governor's emergency order expired.

### **Arizona**

PHE status: **EXPIRED**. Governor Doug Ducey rescinded a series of executive orders issued during the coronavirus pandemic on July 1, 2021, saying most of them are no longer needed because the legislature put them into law in the previous session.

In May 2021, Governor Ducey enacted House Bill 2454 to allow out-of-state professionals to provide telemedicine in Arizona under certain conditions, ensure payment parity coverage for audio-visual telemedicine services, prohibit health care boards from enforcing rules requiring patients to visit in-person before being prescribed most medications, and permit telehealth medical exams in the worker's compensation space if all parties consent.

### **Arkansas**

PHE status: **EXPIRED**. Governor Asa Hutchinson allowed the state's Emergency Declaration to expire on May 30, 2021. On May 5, 2021, the Governor enacted House Bill 2454, a large telehealth package that codifies many of the temporary telehealth waivers implemented during

the PHE. The legislation also extends coverage for audio-only telehealth services covered by Medicare or the state's Medicaid program through December 31, 2021. The state's Telehealth Advisory Committee will revisit the audio-only flexibilities in the beginning of 2022 to determine whether to limit or expand coverage.

### **California**

PHE status: **ACTIVE**. California's Public Health State of Emergency is in place until further notice. California enacted legislation in October 2019 to establish payment and coverage parity for the Medi-Cal program and expand opportunities for asynchronous telehealth services.

### **Colorado**

PHE status: **EXPIRED**. Colorado's Emergency Declaration expired on July 9, 2021. In July 2020, Governor Polis enacted Senate Bill 212. The legislation requires the state Medicaid program to reimburse for telehealth services at rural health clinics, federally qualified health centers and the federal Indian Health Service at the same rate as in-person treatment; expands coverage to include speech therapy, physical therapy, occupational therapy, hospice care, home health care, and pediatric behavioral health care; and allows home health care providers to supervise their own telehealth services.

### **Connecticut**

PHE status: **ACTIVE**. Connecticut's Public Health Emergency will expire on July 20, 2021, unless renewed. Governor Ned Lamont enacted House Bill 5596 in May 2021 to temporarily extend the telehealth waivers he issued during the pandemic through June 30, 2023. This will allow expanded types of providers and licensed professions to continue to provide telehealth services, including dentists, behavioral analysts, music therapists, art therapists, physician assistants, physical therapist assistants, and occupational therapy assistants. Additionally, the law permits the use of telehealth service by audio-only and permits licensed providers in other states to provide telehealth services to Connecticut residents as long as they have the minimum professional liability insurance coverage.

### **Delaware**

PHE status: **ACTIVE until July 13**. Delaware Governor John Carney has indicated that he will allow Delaware's State of Emergency to expire on July 13, 2021. Delaware enacted a law in 2018 that requires private payers to reimburse live video telemedicine the same way as in-person visits.

### **Florida**

PHE status: **EXPIRED**. Florida Governor Rick DeSantis issued an executive order on June 26, 2021, terminating the state's Public Health Emergency. This action caused most of the state's

temporary telehealth regulatory flexibilities to expire. Telephones no longer are an acceptable platform for delivering telehealth services to non-Medicare patients in Florida. Physicians can no longer use telehealth to prescribe controlled substances to existing patients for treating chronic non-malignant pain. The Florida Agency for Health Care Administration reinstated prior authorization for behavioral health services. Florida Medicaid reinstated preadmission-screening and resident-review requirements for nursing home placements. Payment parity for telehealth services expired and reverted to pre-covid regulatory landscape. Out-of-state providers who practiced in Florida during the PHE will now need to be licensed by the state.

## **Georgia**

PHE status: **EXPIRED**. Georgia Governor Brian Kemp allowed the state's Public Health Emergency to expire on July 1, 2021. Governor Kemp enacted House Bill 305 on May 4, 2021, to prohibit insurance companies from mandating patients to receive an in-person consultation before seeing a health care provider virtually. The legislation also prohibits insurers from placing additional restrictions on prescribing medications through telehealth visits.

## **Hawaii**

PHE status: **ACTIVE**. Hawaii Governor David Ige extended the state's public health emergency through August 6, 2021.

## **Idaho**

PHE status: **EXPIRED**. Idaho's State of Emergency expired on June 20, 2021. In June 2020, Governor Little signed Executive Order No. 2020-13, making numerous telehealth flexibilities permanent, including streamlining the licensure application process for out-of-state providers.

## **Illinois**

PHE status: **ACTIVE**. Illinois' Disaster Declaration will expire on July 24, 2021, unless renewed. Illinois statute requires the Governor to file a disaster proclamation every thirty days. It is unclear at this time whether Governor JB Pritzker will renew the proclamation after July 24. The Illinois legislature passed House Bill 3308 on May 31, 2021. The legislation would make many of the temporary telehealth emergency actions issued during the public health emergency order permanent, establish payment parity for behavioral health and substance abuse services, and establish a panel to study payment parity for all telehealth services. The legislation was sent to the Governor's desk on June 29, 2021. It is unclear at this time when the Governor will consider the legislation.

## **Indiana**

PHE status: **ACTIVE**. Indiana's Public Health Emergency will expire on July 31, 2021. It is unclear at this time whether Governor Eric Holcomb will extend the order beyond July 31. On



April 20, 2021, Governor Holcomb enacted Senate Enrolled Act 3. The legislation expands upon the list of licensed practitioners eligible to provide telehealth services, changes the term ‘telemedicine’ to ‘telehealth’, and requires that telehealth medical records be created and maintained under the same standards of appropriate practice as patients in an in-person setting, among other things.

### **Iowa**

PHE status: **ACTIVE**. Iowa’s Disaster Emergency Proclamation will expire on July 25, unless renewed. Certain telehealth flexibilities issued during the pandemic have already expired, including a requirement that Iowa health care providers receive the same reimbursement rates for medically necessary telemedicine visits as they would receive for in person visits. However, on June 16, 2021, Governor Kim Reynolds enacted Senate File 619, which requires payment parity for telemental health services.

### **Kansas**

PHE status: **EXPIRED**. Kansas’ State of Disaster Emergency expired on June 15, 2021. Kansas enacted a telemedicine payment parity law in May 2018. The law requires private payers to cover telehealth services and gives payers the ability to establish their own telehealth reimbursement policies. The law also allows coverage for telehealth under the state Medicaid program.

### **Kentucky**

PHE status: **ACTIVE**. Kentucky’s State of Emergency is in place until further notice. Kentucky Governor Andy Beshear enacted HB 140 on March 22, 2021. The legislation ensures that telehealth is a permanent option for Medicaid and state-regulated private insurance plans, and requires that services provided through telehealth are reimbursed at the same rate as the same services provided in-person.

### **Louisiana**

PHE status: **ACTIVE**. Louisiana’s Public Health Emergency will expire on July 15, 2021, unless renewed. Governor John Bel Edwards enacted House Bill 270 on June 14, 2021. The legislation defines telemedicine and telehealth, as well as electronic communications, information technology, asynchronous store-and-forward transfer technology, and synchronous modalities. The legislation also permits Louisiana physicians to consult with out-of-state medical experts via communications technologies.

### **Maine**

PHE Status: **EXPIRED**. Maine Governor Janet Mills allowed the state public health emergency to expire on June 30, 2021.

## **Maryland**

PHE Status: **EXPIRED**. Maryland Governor Larry Hogan allowed the state's public health emergency to expire on July 1, 2021. On April 13, 2021, the Governor enacted House Bill 123, the Preserve Telehealth Access Act of 2021. The legislation expands the definitions of "telehealth" and the coverage and reimbursement requirements for health care services provided through telehealth for both Medicaid and private insurance. Insurers must now reimburse for covered telehealth services. The bill also requires coverage of telehealth regardless of the patient's location at the time of service and expands coverage to include audio-only telephone conversation until June 30, 2023. The law also allows reimbursement for a telehealth service on the same basis and rate as in-person delivery of the health care service for two years.

## **Massachusetts**

PHE status: **EXPIRED**. Massachusetts Governor Charlie Baker lifted the State of Emergency on June 15, 2021. Governor Baker enacted S. 2984 on January 8, 2021. The legislation broadened the definition of telehealth to include the use of synchronous or asynchronous audio, video, electronic media and other telecommunications technology. The legislation also ensures payment parity for telehealth services. The rate parity requirement is permanent for mental health services, but must be renewed after two years for telehealth services related to chronic disease management and primary care. The rate parity for all other telehealth services extends for only up to 90 days past the expiration of the COVID-19 state of emergency.

## **Michigan**

PHE Status: **EXPIRED**. On October 5, 2020, the Michigan State Supreme Court ruled that Governor Whitmer lacked the authority to issue and extend emergency and disaster declarations after the legislature declined to extend those orders earlier that spring.

## **Minnesota**

PHE status: **ACTIVE**. Minnesota's Peacetime Emergency will expire on July 14, 2021, unless renewed. It is unclear if Governor Tim Walz will extend the emergency order beyond July 2021. On May 6, 2021, Governor Walz rescinded Executive Order 20-28 to allow telehealth services by out-of-state registrants. Out-of-state providers must now be licensed by the state's appropriate Minnesota health-related licensing board.

## **Mississippi**

PHE status: **ACTIVE**. Mississippi's State of Emergency is in place until further notice.

### **Missouri**

PHE Status: **ACTIVE**. Missouri's State of Emergency will expire on August 31, 2021, unless Governor Mike Parsons extends the order.

### **Montana**

PHE Status: **EXPIRED**. Montana Governor Greg Gianforte ended the statewide public health emergency order on June 30, 2021. Governor Gianforte enacted House Bill 43 in April 2021, to permanently eliminate telehealth geographic and site restrictions, and require providers to establish a relationship prior to utilizing certain telehealth services. The legislation also revises the definition of telemedicine to allow for the use of more technologies and expand which insurance plans cover telehealth services.

### **Nebraska**

PHE Status: **EXPIRED**. On June 30, 2021, Nebraska Governor Pete Ricketts allowed the public health emergency declaration to expire.

### **Nevada**

PHE status: **ACTIVE**. Nevada's State of Emergency is in place until further notice.

### **New Hampshire**

PHE Status: **EXPIRED**. New Hampshire Governor Chris Sununu allowed the public health emergency declaration to expire on June 12, 2021. Governor Sununu enacted House Bill 1623 in July 2020. The legislation amends the state's definition of telemedicine to include new modalities, including audio-only phones. The legislation also requires Medicaid and private payers to reimburse for telehealth services on the same basis that it reimburses for in person care.

### **New Jersey**

PHE Status: **EXPIRED**. New Jersey's Public Health Emergency order was terminated on June 4, 2021, after Governor Phil Murphy signed Assembly Bill Number 5820, which directed the Governor to end the statewide public health emergency.

### **New Mexico**

PHE status: **ACTIVE**. New Mexico Governor Lujan Grisham extended the state's Public Health Emergency through July 23, 2021. It is unclear at this time whether Governor Grisham will extend the order beyond July 2021. Governor Grisham enacted Senate Bill 354 in April 2019. The legislation requires health plans to provide coverage for services provided via telemedicine to the same extent that the health plan covers the same services when those services are



provided in-person. The legislation also removes originating-site restrictions, prohibits health plans from imposing unique conditions for coverage of telemedicine services, and updates several definitions for telemedicine, among other things.

### **New York**

PHE Status: **EXPIRED**. On June 24, 2021, New York Governor Andrew Cuomo ended the statewide public health emergency. New York enacted a telehealth payment parity law in 2016, requiring private insurance companies to reimburse for telehealth. The law also authorized the New York Medicaid agency to increase coverage and reimbursement of telemedicine.

### **North Carolina**

PHE status: **ACTIVE**. North Carolina's State of Emergency is in place until further notice.

### **North Dakota**

PHE Status: **EXPIRED**. North Dakota Governor Doug Burgum ended the statewide emergency order on April 31, 2021.

### **Ohio**

PHE status: **EXPIRED**. Ohio Governor Mike DeWine ended Ohio's State of Emergency order on June 18, 2021.

### **Oklahoma**

PHE status: **EXPIRED**. Oklahoma's State of Emergency expired on May 4, 2021. Governor Kevin Stitt enacted Senate Bill 674 on May 5, 2021. The bill ensures payment parity for physicians who care for patients through telemedicine. This provision goes into effect beginning January 1, 2022. The legislation also defines several telemedicine terms.

### **Oregon**

PHE status: **EXPIRED**. Oregon's state of emergency expired on June 28, 2021.

### **Pennsylvania**

PHE status: **EXPIRED**. Pennsylvania's Disaster Emergency ended on June 10, 2021, after the state legislature voted to end the declaration.

### **Rhode Island**

PHE status: **EXPIRED**. Rhode Island's Disaster Emergency is set to expire on July 9, unless renewed. It is unclear at this time whether Governor Dan McKee will extend the PHE. The



Governor recently shared that extended the Disaster Emergency declaration to July 9 to allow businesses to take advantage of current regulatory flexibilities and telehealth flexibilities to continue.

### **South Carolina**

PHE status: **EXPIRED**. South Carolina's State of Emergency expired on June 6, 2021, after Governor Henry McMaster declined to renew the order.

### **South Dakota**

PHE Status: **EXPIRED**. South Dakota Governor Kristi Noem ended the State of Emergency on June 30, 2021.

### **Tennessee**

PHE status: **ACTIVE**. Tennessee Governor Bill Lee renewed the State of Emergency through July 30, 2021. It is unclear at this time whether Governor Lee will extend the emergency order after July. The Tennessee legislature and Governor enacted HB 8002 during a special session in August 2020, which requires payers to cover remote patient monitoring services if that service is covered by Medicare. The new law also relaxes the definition of an originating site for telehealth delivery, by characterizing it as "the location where a patient is located for telehealth services and that originates telehealth service to another qualified site, such as the office of a health care service provider, a hospital, a rural health clinic, or any other location deemed acceptable by the health insurance entity." The new law mandates reimbursement parity for telehealth services through April of 2022. It also allows licensed alcohol and drug abuse counselors and veterinarians to use telehealth to meet patient-provider relationship and standard of care guidelines through April 2022.

### **Texas**

PHE status: **ACTIVE**. Texas Governor Greg Abbott renewed the state's Covid-19 Disaster Proclamation on July 1, 2021. The Governor is required to renew the Disaster Proclamation at the beginning of every month. It is unclear if Governor Abbott will extend the proclamation in August 2021. Governor Abbott enacted House Bill 4 on June 15, 2021, which makes many of Texas' temporary telehealth waivers and flexibilities issued during the pandemic permanent.

### **Utah**

PHE status: **ACTIVE**. Utah's Public Health Emergency Order is in place until further notice. Governor Spencer Cox enacted Senate Bill 41 on March 9, 2021, to require the state's Medicaid program and commercial health plans to reimburse providers "at a commercially reasonable rate" for "medically necessary" telehealth services as long as the services are also provided in-person and meet the appropriate standard of care. The law also prevents payers





from imposing any originating site, geographic or distance-based restrictions on telehealth reimbursement.

### **Vermont**

PHE status: **EXPIRED**. Vermont Governor Phil Scott ended the state's public health emergency on June 15, 2021. Governor Scott enacted S. 50 in June 2017 to eliminate telehealth originating site restrictions and expand insurance coverage for telehealth services.

### **Virginia**

PHE status: **EXPIRED**. Virginia's PHE expired on July 1, 2021. Governor Ralph Northam enacted House Bill 5046/Senate Bill 5080 in November 2020 to amend the state's telehealth laws to eliminate originating site restrictions and the requirement that the patient be accompanied by a care provider during the telehealth session. The bill also mandates that the state Medicaid program continue to cover audio-only phone services.

### **Washington**

PHE status: **ACTIVE**. Washington's State of Emergency is in place until further notice. Governor Jay Inslee enacted House Bill 1196 on May 7, 2021, which requires payers to cover certain audio-only telehealth services, as long as the provider and patient have established a valid working relationship through an in-person exam within the past year. The new law also required payers to reimburse at the same rate as an equivalent in-person service.

### **Washington, D.C.**

PHE Status: **ACTIVE**. Washington, D.C.'s Public Health Emergency order is active through the duration of the public emergency or until the order is rescinded.

### **West Virginia**

PHE status: **ACTIVE**. West Virginia's State of Preparedness is in place until further notice. Governor Jim Justice enacted House Bill 2024 on April 9, 2021, to expand eligibility for certain health care practitioners to provide telehealth and ease licensure requirements for health care providers in other states to practice telehealth in West Virginia.

### **Wisconsin**

PHE status: **EXPIRED**. Wisconsin's public health emergency expired on March 31, 2021. Governor Tony Evers enacted Senate Bill 380, in November 2019, which established definitions for telehealth and requires Medicaid to reimburse for a wide range of telehealth services, including store-and-forward services, remote patient monitoring, and "brief communication technology-based services. The legislation also prevents the Medicaid program from denying



coverage based on the recipient's location or requiring additional certification or other qualifications for coverage.

### **Wyoming**

PHE Status: [ACTIVE](#). Wyoming's State of Emergency is in place until further notice.