

# Improving Access to Care in Rural and Underserved Communities: State Workforce Strategies Health

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## **Overview**

Rural and underserved communities face significant challenges accessing health care services. In many areas, the supply of health care providers cannot keep up with the demand for services. The shortage or inadequate distribution of the health care workforce can create barriers to accessing timely and appropriate care, lead to negative health status and create significant costs for states. These workers play a large role in state lawmakers' plans to improve access to health care services. This report outlines several state strategies that focus on expanding and leveraging the workforce to better serve community needs, including:

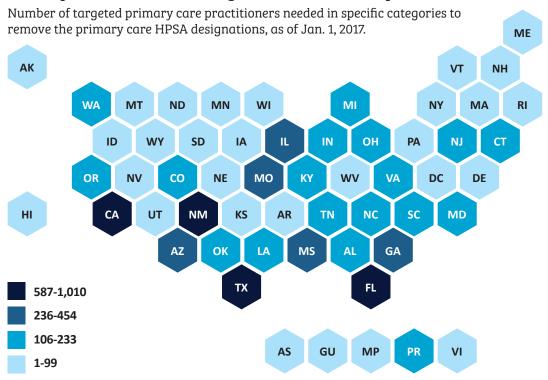
- Recruiting and retaining providers in rural and underserved areas
- Considering scope of practice policies for non-physician providers
- · Using telehealth to expand the reach of providers

# **Background**

The United States faces a significant shortage of health care providers. Across the country, as of July 2017, there are more than 6,700 primary care Health Professional Shortage Areas (HPSAs)<sup>1</sup>—federal designations that indicate health care provider shortages and may be geographic-, population- or facility-based.<sup>2</sup> There are also mental health and dental health HPSAs, based on insufficient access to these types of care.

Only 55 percent of the national need for primary care is met, according to HPSA data.<sup>3</sup> It would take an estimated total of 10,201 primary care physicians in HPSAs across the nation to eliminate the national shortage. Moreover, this physician shortage is expected to worsen. A report prepared on behalf of the Association of American Medical Colleges projects a "total physician shortfall of between 40,800 and 104,900 physicians nationally by 2030."<sup>4</sup>

#### **Primary Care Provider Shortages Across the Country**



Source: Kaiser Family Foundation, Bureau of Health Workforce, Health Resources and Services Administration

The shortage of certain provider types and inadequate distribution of the health care workforce overall creates challenges for patients trying to access health care services. Providers are an important component of access to health care services, along with things like having insurance coverage, accessing affordable and appropriate services, and having the ability to reach a location where services are provided.<sup>5</sup>

Having limited access to health care services affects physical, mental and social health status, quality of life and life expectancy. When access to care is not available, it can lead to unmet health needs, a lack of preventive services and preventable, costly hospitalizations.<sup>6</sup>

Rural areas disproportionately experience diminished access to health care, including provider shortages. In fact, as of July 2017, 59 percent of all primary care HPSAs were located in rural regions. Rural hospital closures also threaten communities' access to emergency care and other health services. At least 81 rural hospitals closed between January 2010 and May 2017 across the country, with many more at risk of closure.8

Rural communities also face significant health disparities—including higher rates of chronic disease and indicators of poor overall health—compared to urban communities. For example, rural counties have higher rates of births by teen mothers, diabetes and preventable hospital stays. Rural adults are less likely to practice healthy behaviors, such as not smoking and maintaining a healthy body weight. They are also, on average, older and poorer than their urban counterparts and have a lower life expectancy. Mortality rates in rural areas have decreased at a slower pace, resulting in a widening gap between urban and rural areas, according to the Centers for Disease Control and Prevention.

The high burden of chronic disease in rural and other underserved communities, as well as limited access to needed care, can lead to significant costs to families, health care systems and states. Chronic disease treatment comprises 86 percent of national health care costs, with rural areas disproportionately affected due to their higher rates of many costly chronic conditions.<sup>13</sup> Lack of access to care results in medical care costs, as well as costs from reduced productivity and absenteeism, due to its association with poorer health status and higher burdens of disease and disability.<sup>14, 15</sup> Preventable hospital admissions, also more common in rural areas without sufficient access to primary care services, cost an estimated \$32 billion nationally in 2010.<sup>16</sup> In addition, research shows that a higher percentage of rural residents are enrolled in Medicaid compared to urban residents, contributing to high health costs for states.<sup>17</sup>

Improving patients' access to quality health care can help counter these public health challenges. Due to the public health and financial consequences, many states have explored health workforce policy solutions to address access to care challenges and health disparities in rural and underserved areas. This report outlines several strategies that policymakers have pursued to improve access to care, including recruiting and retaining health care providers, considering the role of non-physician providers, and expanding delivery of services via telehealth.

# **Provider Recruitment and Retention**

State recruitment and retention policies aim to bring health care providers to—or keep them in—underserved areas to maintain and increase access to care. Two common efforts in this area include health career pathway programs and scholarship and loan repayment programs.

#### **Pathway Programs**

Pathway programs aim to engage students, from kindergarten through college-age, and introduce them to health care careers. These pathway or pipeline programs often focus on recruiting students from backgrounds that are historically underrepresented in health care professions, with the goal to promote greater diversity in the health workforce. Students in pathway programs may be more likely to return to practice in their communities, such as rural or other underserved areas.<sup>18</sup>

States such as Virginia, Arkansas and South Dakota, among others, have developed pathway programs. For example, in 2010, the Virginia General Assembly established the Virginia Health Workforce Development Authority (VHWDA), whose purpose is to "facilitate the development of a statewide health profes-

sions pipeline that identifies, educates, recruits and retains a diverse, geographically distributed and culturally competent quality workforce for all Virginians." <sup>19</sup> The Virginia Department of Health received a \$1.93 million State Health Care Workforce Development Implementation grant from the Health Resources and Services Administration (HRSA) to begin and support the initiative. <sup>20</sup> The VHWDA supports several community pathway initiatives, such as the Health Career Explorers Program, a 15-week program in two Virginia high schools. <sup>21</sup>

The Arkansas legislature created the Health Care Student Summer Enrichment Program for Underrepresented Student Populations within the Department of Education. The pathway initiative is an intensive six-week program aimed at providing meaningful experiences in health-related fields and increasing awareness of medical career opportunities for racial and ethnic minority college students. In addition, the University of Arkansas for Medical Sciences' Center for Diversity Affairs provides several summer enrichment programs for students from underrepresented groups or disadvantaged backgrounds. Program activities may include standardized test preparation, professional shadowing, advising and mentoring. Similarly, South Dakota's Health Occupations for Today and Tomorrow, operated through the state Office of Rural Health, brings together local universities, regional Area Health Education Centers and other partners. The program provides health career camps and immersion opportunities for youth to learn about health care careers.

#### Scholarship and Loan Repayment Programs

States may also consider scholarship and loan repayment programs as a strategy to increase provider recruitment and retention. These programs typically provide students in health professions—such as primary care physicians, dentists, dental hygienists and nurses—with scholarships or loan repayment or forgiveness. In exchange, the students commit to practice in a Medically Underserved Area/Population, Health Professional Shortage Area (HPSA) or rural region for a specified period of time, often at least two years.

The National Health Service Corps (NHSC), a major funder of loan repayment and scholarship programs, provides loans and scholarships to medical and dental students with the goal of bringing primary care providers to underserved areas. In addition, through the State Loan Repayment Program (SLRP), at least 36 states and D.C. receive federal cost-sharing grants from the NHSC to assist in their operation

#### **Area Health Education Centers**

Area Health Education Centers (AHECs), an initiative developed by Congress in 1971 and funded in part by the Health Resources and Services Administration, are centers that introduce students to health professions and connect underserved communities with care. AHEC programs have introduced a combined total of more than 379,000 students to health career opportunities and have provided more than 33,000 students with in-depth health career exposure, information, and academic assistance and opportunities. Currently, more than 235 centers operate in almost every state and the District of Columbia.

For example, the Huli Au Ola AHEC on the Hawaiian island Molokai, provides a Summer Leadership Institute for students. The curriculum includes health career presentations, training on taking vital signs and performing CPR, medical robotics information, and cultural content. Students completing the program receive college credit. Program organizers report that local students recruited into health professions are more likely to return to Molokai—a primary care Health Professional Shortage Area—to practice.

Sources: National AHEC Organization; Hawaii/Pacific Basin AHEC Office; Rural Health Information Hub, 2011; Health Resources and Services Administration.

#### **Effectiveness of Scholarship and Loan Repayment Programs**

Emerging evidence demonstrates that scholarship and loan repayment programs are effective in achieving long-term retention of participants in the communities in which they serve. Recent surveys and reports have found that:

- 87 percent of National Health Service Corps (NHSC) participants practiced in underserved areas two years after service completion.
- Six years after NHSC completion, 35 percent of participants were practicing in the same Health Professional Shortage Area (HPSA), and 72 percent of them were practicing in any HPSA.
- The 10-year retention rate for providers practicing in underserved areas was 55 percent in 2012.

Ongoing research aims to determine which elements of programs are the most meaningful for encouraging long-term retention. A 2016 systematic review identified significant associations between financial factors (e.g., incentives) and underserved or rural practice.

Sources: Health Resources and Services Administration, 2016; Office of the Assistant Secretary for Planning and Evaluation, 2014; NHSC National Advisory Council, 2013; A. Goodfellow, et al., 2016.

# Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA), a federal law enacted in 2014, aims to expand access to worker training, education and support services, as well as help employers find skilled workers. WIOA authorizes funds for federal grants to states for public employment service programs, which are primarily provided through state and local workforce development systems. States may use WIOA funds to support job training and development for allied health professionals, such as X-ray technicians and pharmacy technicians, who may be in short supply in underserved areas. For more information on WIOA and related state action, visit NCSL's WIOA Bill Tracking Database.

Source: NCSL, 2015

# International medical graduates

Using international medical graduates is another way states address health care provider shortages. International medical graduates typically complete their training on J-1 visas, which usually allow holders to remain in the country until they complete their graduate medical education. After completing training, the graduates are required to return to their home country for two years before applying to return to the United States.

Waiver programs allow international medical graduates to stay in the U.S. and practice in a HPSA or medically underserved area for at least three years. Following the service period, these physicians can apply for additional visas or permanent residence. The Conrad 30 Waiver Program, one type of waiver, allows state health departments to request J-1 visa waivers for up to 30 international medical graduates each year.

Sources: Rural Health Information Hub; U.S. Citizenship and Immigration Services, 2014.

of state loan repayment programs for primary care providers practicing in HPSAs.<sup>24</sup> Eligibility for the program varies by state, and may include opportunities for a variety of health care providers. Similarly, the minimum service commitment for providers is two years, but states may choose to require longer commitments.<sup>25</sup>

Other federal opportunities include HRSA's Scholarships for Disadvantaged Students program, which awards funds to health professions schools that grant scholarships to students from disadvantaged backgrounds with financial need. HRSA's Grants to States to Support Oral Health Workforce Activities program awards grants for states to develop and implement innovative oral health workforce programs to address the needs of dental HPSAs.

Arizona receives federal funds to help support its National Health Service Corps program. In addition, Arizona has its own state-run loan repayment program. The Arizona legislature established the Primary Care Provider Loan Repayment Program, which repays the educational loans of physicians, dentists, pharmacists, advance practice providers and behavioral health providers who commit to practicing in a HPSA for at least two years. The legislature also created the Rural Private Primary Care Provider Loan Repayment Program for primary care providers with a current or prospective rural primary care practice in a HPSA or Medically Underserved Area/Population. To qualify, participants must agree to provide discounted, sliding-fee scale services to uninsured patients with family incomes below 200 percent of the federal poverty level. In 2015, the state increased service award amounts to providers, added new provider types to the program and removed the four-year service cap.<sup>26</sup>

#### PROVIDER RECRUITMENT AND RETENTION POLICY OPTIONS

- Evaluate available resources to recruit students from your state into health care
  careers, including students from underserved areas or underrepresented racial
  and ethnic backgrounds. Conduct a needs assessment to identify groups most
  in need of services, and consider creating or expanding pathway programs for
  students based on these findings. States may also consider evaluating their recruitment and retention efforts in order to determine which programs are most
  effective in promoting sufficient access to health care providers.
- Look into whether your state participates in the National Health Service Corps
   State Loan Repayment Program and other health care provider loan repayment programs. Consider options for participating in the NHSC or creating a
   state-sponsored loan repayment or scholarship program, based on state needs
   and current efforts. Determine existing gaps in loan repayment and scholarship
   opportunities, provider types and geographic areas, and potential funding
   mechanisms.
- Explore opportunities to partner with health professions schools to recruit and place students in areas of need upon graduation. Consider creating arrangements that students, schools and states can agree to prior to graduating or completing training.

#### **Graduate Medical Education**

An additional state strategy to recruit and retain physicians focuses on the next step after medical school graduation: residency programs, also known as graduate medical education. Physicians typically complete hands-on, clinical residency training over three to seven years at hospitals and connected outpatient health care facilities. Medicare is the primary funder of graduate medical education positions across the country, though states and other entities may also fund residency training. And where doctors complete their residencies matters. A 2016 report from the Association of American Medical Colleges found that more than half of physicians who completed residency training between 2006 and 2015 were practicing in the state where they completed their training, and a 2015 study found that more than half of family medicine physicians practice within 100 miles of their residency program.

Rural Training Track programs are another mechanism to bring doctors to rural areas for their graduate medical education, with the hope that they practice in rural communities after completing their training. While there are a variety of program models, each involves a combination of training at an urban hospital and a rural health care setting. Program outcomes show that 75 percent of Rural Training Track participants subsequently practice in rural areas. As of July 2017, at least 30 states offered accredited Rural Training Track programs, or similar programs.

Sources: Association of American Medical Colleges, 2016; Ernest Blake Fagan, et al., 2015; The RTT Collaborative.

# Scope of Practice for Non-Physician Providers

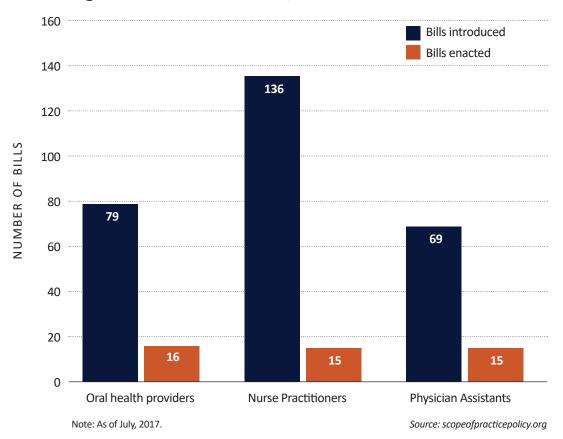
Another common state strategy to meet the needs of rural and underserved areas involves using a range of health professionals to collectively meet an area's health care needs. By 2030, the demand for primary care services will outpace the supply of physicians, partly due to an aging population and higher rates of chronic diseases.<sup>27</sup> Providers such as nurse practitioners (NPs), physician assistants (PAs) and midlevel oral health providers, among others, can help provide needed primary and oral health care services in underserved areas. State policymakers can examine the scope of practice for certain types of providers to determine if state laws allow them to practice to the full extent of their education and training.

Non-physician professionals increasingly address workforce shortages by providing care independently or with physician or dentist oversight. <sup>28</sup> Incorporating non-physician providers like nurse practitioners into primary care can help alleviate the pressures of physician shortages. For example, the years of education and training required for a nurse practitioner are less than those of physicians so they are able to enter the workforce more quickly than a physician. <sup>29</sup> Since each state has its own specific laws and regulations regarding the responsibilities of these providers, the range of services performed varies from state to state.

State scope of practice laws and regulations define the roles and responsibilities for health professionals' licenses in each of these occupations. Dozens of bills considered by state legislatures over the past two years have focused on scope of practice, some of which have been enacted into law. Many states have taken steps to increase the procedures, treatments, actions, processes and authority that are permitted by law, regulation and licensure for non-physician primary care providers.<sup>30</sup> Proponents of these laws say providers such as nurse practitioners and physician assistants can be trained quicker and less expensively than physicians without compromising quality. Some physician groups disagree and argue that physicians' longer, more intensive training equips them to diagnose more accurately and treat patients more safely.

States continue to consider legislation to address providers' scope of practice, including requirements for nurse practitioners, physician assistants and oral health providers, as outlined below.

#### Number of Bills Introduced and Enacted in State Legislatures Addressing the Roles of Each Provider, 2015-2017



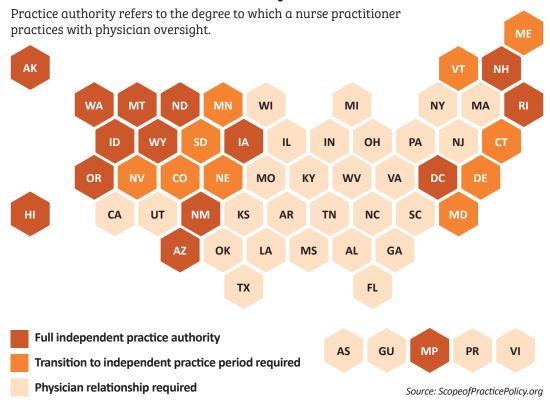
#### **Nurse Practitioners**

Nurse practitioners (NPs) are one type of advanced practice registered nurse (APRN) who are prepared, through advanced graduate education and clinical training, to provide a range of health services, including diagnosing and managing both common and complex medical conditions. As of June 2017, there were more than 234,000 licensed nurse practitioners in the U.S.<sup>31</sup> and almost 90 percent of NPs work in primary care settings.<sup>32</sup> The projected number of nurse practitioner graduates entering the workforce is expected to grow by 21,230 by 2025.<sup>33</sup> The Association of American Medical Colleges reports that "the ratio of physicians to APRNs and physician assistants is projected to fall over time as APRN and PA supplies grow at faster rates than physician supply."<sup>34</sup>

According to the American Association of Nurse Practitioners, 22 states and the District of Columbia allow nurse practitioners to diagnose, treat and prescribe medications without physician supervision.<sup>35</sup> Another seven states allow nurse practitioners to diagnose and treat patients independently, but not prescribe medications. The remaining 21 states require either collaborative agreements that outline an NP's practice authority, or direct physician supervision of nurse practitioners to diagnose, treat and prescribe.

The landscape for nurse practitioners' scope of practice is evolving. The three most recent states to pass legislation changing scope of practice for nurse practitioners were Maryland and Nebraska in 2015 and South Dakota in 2017—NPs in those states are now allowed to practice without physician oversight.

#### **Nurse Practitioner Practice Authority**



#### **Physician Assistants**

Physician assistants are nationally certified and state-licensed medical professionals, and practice on health care teams with physicians and other providers. They are formally trained to examine patients, diagnose injuries and illnesses, and provide treatment.

According to the National Commission on Certification of Physician Assistants, at the end of 2016, at least 115,000 physician assistants were practicing in the U.S., working in all areas of medicine.<sup>36</sup> In rural and underserved areas, physician assistants may be the primary care providers at clinics where a physician is present only a few days a week. Physician assistants collaborate with physicians as needed and as required by law, often relying on a collaborative agreement that outlines the specific activities permitted and defines the relationship between the physician and the physician assistant.

Supervision requirements for physician assistants are determined either at the practice level with a physician or outlined in state statute or administrative rule. Some states are moving toward allowing physician assistants to have a collaborative relationship with a physician instead of a direct supervisory relationship. In 2015, New Jersey lawmakers voted to allow greater flexibility in the way physician assistants provide care. The requirement that a physician must always be present was removed and PAs may now work with a physician to define his or her personal scope of practice.

#### **Oral Health Providers**

Dental hygienists are oral health professionals working together with a dentist to provide preventive and routine care. The American Dental Hygienists' Association (ADHA) reports approximately 185,000 dental hygienists working in the U.S. in 2015.<sup>37</sup>

Traditionally, dentists provide direct oversight of the services dental hygienists perform in the dental office. Many states have now expanded dental hygienists' licenses to allow greater practice parameters or practice in community-based settings, such as a school.<sup>38</sup> In 2016, 39 states allowed dental hygienists

to provide certain preventive services to patients, such as fluoride varnish, often without the need for the dentist to be present, and 18 states allowed direct Medicaid reimbursement for services rendered by a dental hygienist, according to the ADHA.<sup>39</sup>

In addition to dental hygienists, Alaska, Maine, Minnesota and Vermont now allow additional provider types, such as dental therapists, dental health aide therapists and advanced practice dental hygienists to address oral health care access issues. Dental therapists, as members of the dental team, provide preventive and restorative dental care, such as fillings and root canals on baby teeth, and non-surgical dental extractions, usually for children and adolescents. They perform more advanced services than dental hygienists, but their precise roles vary and are dependent on the therapist's education and the state's particular dental regulations and guidelines.

Dental hygienists, dental therapists and dental health aide therapists practice in private settings, community-based clinics and rural areas. They all practice under varying levels of supervision by dentists, allowing these providers to meet needs in nontraditional, tribal, school-based and community settings.

#### **Scope Of Practice Policy**

NCSL's new Scope of Practice Policy website is designed to provide state leaders with resources about scope of practice issues for nurse practitioners and physician assistants, as



well as dental hygienists and dental therapists. The website features interactive policy maps, a legislation database and case studies in scope of practice policy. For instance, the website tracked 135 bills in the 2015-2017 legislative session related to nurse practitioners, physician assistants, dental hygienists and dental therapists.

This resource is designed by NCSL and the Association of State and Territorial Health Officials (ASTHO) to provide policymakers with a tool to explore the range of scope of practice legislation introduced around the country. This easily accessible source of information helps state leaders as they consider ways to meet the health care needs of their constituents at the right place, right time and right cost. Learn more at www.ScopeofPracticePolicy.org

#### SCOPE OF PRACTICE POLICY OPTIONS

- Assess the existing state policies related to scope of practice, licensure and prescriptive policies for
  the non-physician workforce. For example, examine physician supervision requirements for nurse
  practitioners and physician assistants, including whether policies require direct or in-person supervision. Consult with your state's health professional regulatory boards and other stakeholders about
  potential changes.
- If allowing dental therapists to practice is appropriate for your state, convene various stakeholders to discuss options. Work with your state dental board and dental associations to ascertain what revisions are desired or necessary to your state's dental practice act.
- Evaluate barriers and opportunities to expand access to care through non-physician providers.
   Assess Medicaid reimbursement for these providers and consider settings in which they can provide services, such as allowing dental hygienists to provide preventive services in community settings.

### **Telehealth**

Enhancing and increasing access to services through telehealth is another strategy widely viewed as a way to help address workforce shortages and reach patients in rural areas. Telehealth is a tool—a means—that capitalizes on technology to remotely provide health care and other health-related services, such as communication and education between patients and providers. It can also be used in a public health setting by, for example, assisting with disaster management or sending text alerts for emergencies. While it does not increase the number of health care providers, telehealth can help leverage the existing workforce through various mechanisms. 41

Telehealth can help provide health care services in remote or underserved areas that lack practitioners. For example, patients can engage in live video visits with primary care providers for acute issues or have chronic conditions monitored from their homes with devices that connect to providers. Patients can also access specialty care—such as for mental health, substance use disorders and oral health care—from providers who may be physically located hours from their homes. Telehealth has the potential to reduce costs and other burdens (e.g., transportation, lost work) for patients as well as the health care system.<sup>42</sup>

Telehealth also allows for consultation between providers, which can build capacity among rural practitioners, and often helps people in rural areas stay in their own communities for care.<sup>43</sup> Consultation through telehealth also can allow providers to offer care in various settings, with remote supervision or other support. In addition, telehealth may help increase efficiencies for health care professionals, allowing them to see more patients. This is especially the case for providers who serve in rural areas and may spend a lot of "windshield time" traveling between various locations.

As state leaders seek to capitalize on the potential for telehealth to support the health care workforce and improve access to care, a number of state policy issues arise. Reimbursement, licensure and practice standards are among the key topics addressed in state legislatures.<sup>44</sup>

#### **Telehealth Modalities**

Telehealth is defined as the "use of electronic information and telecommunication technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health and health administration." The primary types of telehealth applications are real-time communication, store-and-forward and remote patient monitoring, as well as mobile health.

- Real-time communication allows patients to connect synchronously with providers via video conference, telephone or other devices.
- Store-and-forward refers to transmission of data, images, sound or video from one care site to another for evaluation.
- Remote patient monitoring involves collecting a patient's vital signs or other health data
  while the patient is at home or another site, and transferring the data to a remote provider
  for monitoring and response as needed.
- Mobile health (mhealth) is an emerging field that includes health education, information
  or other services via a mobile device. Mhealth references are much less common in state
  policy.

Sources: Health Resources and Services Administration; NCSL, 2015.

#### **Payment**

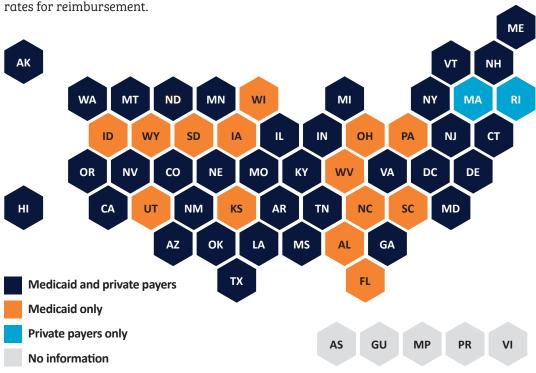
Public and private payment for telehealth services varies across the nation, which can affect its adoption. Medicare, the federal insurance program for people age 65 and older and younger people with disabilities or certain conditions, covers telehealth in limited circumstances.<sup>45</sup> In many cases, the states are leading the way in telehealth adoption and coverage.

In regard to Medicaid, nearly all states have some type of coverage for telehealth—with wide variability. The types of providers, services and specialties, and care locations eligible for reimbursement vary within Medicaid programs, which can affect the type of care patients are able to access via telehealth. For example, some states may allow or include broad telehealth coverage in their Medicaid programs, while others may cover only a handful of specialties via live video. While almost all states provide for some live video reimbursement in Medicaid, only nine states stipulate Medicaid coverage and reimbursement for all three common telehealth modalities (live video, store-and-forward, and remote patient monitoring). In addition, seven states reimburse for teledentistry services in Medicaid. Generally, states have been expanding these categories to allow reimbursement for a greater number of services and modalities.

At least 36 states and the District of Columbia have a law related to private payer coverage and reimbursement of telehealth encounters. Typically, these policies require coverage and/or reimbursement that is comparable to what is covered and/or reimbursed for in-person visits. However, not all these policies mandate coverage or reimbursement. They range from placing requirements on private payers if they choose to cover telehealth to requiring full coverage and payment at the same rate as in-person services.

# Medicaid and Private Payer Coverage and Reimbursement Policies for Telehealth

Medicaid policies include those with some type of reimbursement for telehealth. The scope of these policies varies among states, and the map indicates states with reimbursement for at least one telehealth modality and service or specialty. Private payer policies include those related to telehealth coverage or reimbursement for private insurers. These policies vary as to whether they require coverage or reimbursement, include all services, or set the same



Note: Rhode Island's law will go into effect January 2018.

Source: NCSL, Center for Connected Health Policy, 2017

#### Licensure

Because technology crosses borders, licensure of providers becomes an issue when considering telehealth as a solution to workforce shortages. Generally, health care providers must be licensed in the state where the patient is receiving care, and states retain oversight of providers within their borders. Practitioners traditionally apply for a license in each state in which they wish to practice. However, some policymakers have considered other ways to allow out-of-state providers to offer services in their states. For example, some states have agreements with other, often neighboring, states allowing reciprocity. At least nine states have created telehealth-specific licenses that allow out-of-state providers to offer services in the state via telehealth, if they abide by certain requirements (e.g., not setting up a physical location in the state).<sup>47</sup>

Recently, licensure compacts for various providers have been gaining traction as a means to allow interstate practice, in particular with an eye toward promoting telehealth. The Nurse Compact, created nearly 25 years ago by the National Council of State Boards of Nursing, was revised for the 2016 legislative sessions and 25 states have passed the new version. The physicians' version—the Interstate Medical Licensure Compact—was created in 2015 with the help of the Federation of State Medical Boards. It has been enacted in 22 states, and under the guidance of a commission, is active and preparing for issuing licenses. Wey differences exist in the compacts. For example, the nurse compact operates like a driver's license with one license for all participating compact states, whereas the physician compact provides an expedited path to a separate license in each participating state. Emergency medical services personnel, psychologists, physical therapists and other providers are also pursuing compacts.

#### **Practice Standards**

In addition to differences in payment, providers delivering health care services through telehealth may encounter different state laws regarding practice standards. Many lawmakers are concerned with balancing appropriate guardrails to ensure patient safety without creating unnecessary constraints. For example, there is some concern about fragmented care from different providers and ensuring that patients' primary providers are aware of any services provided via telehealth. <sup>50</sup> On the other hand, ideally, telehealth is integrated into the health care delivery system and is being coordinated with other providers. Some of the concerns about telehealth also include ensuring that services provided remotely are as safe and as comprehensive as in-person care. Policies related to practice standards include applying the standard of care, establishing a patient-provider relationship and ensuring informed consent.

The standard of care—what another similarly trained and equipped provider would do in a similar situation—should apply regardless of the means of service delivery. However, some states are also considering policies stating that the applicable standard of care applies in telehealth. In many cases, provider regulatory boards also set policy and practice guidelines.

A large majority of states allow a patient-provider relationship to be established via telehealth.<sup>51</sup> Some state laws clearly allow this practice, while some do not specifically address patient-provider relationships via telehealth, in which case administrative code or regulatory boards may determine policy. Provider boards in some states also create additional rules or guidelines for practice. A patient-provider relationship is necessary to write a prescription for a patient in most states. While the majority of states permit establishing a relationship through telehealth, most states are explicit in prohibiting prescribing based solely on the basis of an online or internet questionnaire.<sup>52</sup>

States are also looking at informed consent policies—a process by which a patient is made aware of any benefits and risks associated with a particular service or treatment. At least 29 states have some type of informed consent policy, many requiring verbal consent and others requiring written consent. Consent requirements may also apply to different arenas—e.g., all providers or just the Medicaid program, or even specific services, depending on the origination (statute, administrative code, Medicaid policy) and intent of the policy. At the policy of the policy of the policy of the policy of the policy.

#### **Effectiveness of Telehealth**

Telehealth is widely cited for its ability to increase access to health care services—and for its ability to help achieve the triple aim (improve health outcomes, improve patient and provider experiences, and reduce costs). Much of the research on telehealth's effectiveness is still evolving. While many studies have found positive clinical outcomes and/or cost savings, it is challenging to make generalized statements about telehealth overall. A systematic review of randomized control trials concluded that the effectiveness of telehealth may depend on different factors, including patient population (e.g., disease or condition), how telehealth is used (e.g., clinical visit, remote monitoring), and the health care providers or systems involved in delivering telehealth. Similarly, in a recent technical brief, the Agency for Healthcare Research and Quality concluded that "there is sufficient evidence to support the effectiveness of telehealth" in specific circumstances. In terms of both clinical outcomes and cost effectiveness, many note that more research is needed.

With improvements in access can come increased use of health care services. Most agree that the services provided using telehealth would be more appropriate and less costly (e.g., primary care instead of emergency room care). A RAND study of direct-to-consumer telehealth, just one type of telehealth, found that it may increase access to care for some, and may also increase utilization and health care spending. While telehealth can provide initial remote access, there is some discussion that many patients require in-person follow-up care and can still face challenges in accessing that care.

Source: Agency for Healthcare Research and Quality, 2016; Cochrane, 2015; Health Affairs, 2017; NCSL, 2015.

#### TELEHEALTH POLICY OPTIONS

- Examine telehealth policies for gaps and opportunities. Consider what policies might facilitate
  telehealth in a way that fits the needs and context of your state. Engage various stakeholders (e.g.,
  providers, hospitals, payers, consumers) in this conversation.
- Look at reimbursement policies for Medicaid and private payers. Consider which providers and
  services are eligible for reimbursement, and how that aligns with your state's needs. Examine the use
  of telehealth under public and private insurers, and the potential barriers or constraints to the use of
  telehealth by providers and patients. If data on telehealth utilization are hard to access, consider a
  modifier for billing codes in Medicaid to track services.
- Consider other policies that may promote or hinder telehealth in your state. For example, look at
  providers and workforce issues, such as practice standards and license portability, if these issues are
  applicable to your state.

# **Conclusion**

A number of strategies exist for state policymakers seeking to address workforce issues, including provider recruitment and retention, scope of practice policies and using telehealth to deliver services. While no single solution will solve all of the issues, legislators have adopted many of these strategies to remove barriers and enhance access to health care in rural and underserved communities. As challenges persist in these areas, legislators will surely continue to grapple with these issues and consider innovative strategies to improve individual, community and population health.

#### **Notes**

- 1 U.S. Department of Health and Human Services, Health Resources and Services Administration, Data Warehouse, "Shortage Areas" (Rockville, Md.: HRSA, n.d.), https://datawarehouse.hrsa.gov/topics/shortageAreas.aspx.
- 2 U.S. Department of Health and Human Services, Health Resources and Services Administration, "Health Professional Shortage Areas (HPSAs)" (Rockville, Md.: HRSA, October 2016), https://bhw.hrsa.gov/shortage-designation/hpsas.
- 3 U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Health Workforce, "Third Quarter of Fiscal Year 2017 Designated HPSA Quarterly Summary" (Rockville, Md.: HRSA, June 30, 2017), https://ersrs.hrsa.gov/ReportServer?/HGDW\_Reports/BCD\_HPSA/BCD\_HPSA\_SCR50\_Qtr\_Smry\_HTML&rc:Toolbar=false.
- 4 IHS Markit, 2017 Update: The Complexities of Physician Supply and Demand: Projections from 2015 to 2030. (Washington, D.C.: Association of American Medical Colleges, 2017), https://www.aamc.org/data/workforce/reports/439206/physicianshortageandprojections.html.
- 5 Institute of Medicine, Committee on Monitoring Access to Personal Health Care Services, *Access to Health Care in America*, ed. M. Millman (Washington, D.C.: National Academies Press, 1993), https://www.ncbi.nlm.nih.gov/books/NBK235882/.
- 6 U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion, "Access to Health Services" (Washington, D.C.: ODPHP, July 12, 2017), https://www.healthypeople.gov/2020/topics-objectives/topic/Access-to-Health-Services.
- 7 U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Health Workforce, "Designated Health Professional Shortage Areas Statistics" (Rockville, Md.: HRSA, July 12, 2017), https://ersrs.hrsa.gov/ReportServer?/HGDW\_Reports/BCD\_HPSA/BCD\_HPSA\_SCR50\_Smry\_HTML&rc:Toolbar=false.
- 8 University of North Carolina, The Cecil G. Sheps Center for Health Services Research (HCSHR), "81 Rural Hospital Closures: January 2010—Present" (Chapel Hill, N.C.: HCSHR, n.d.), http://www.shepscenter.unc.edu/programs-projects/rural-health/rural-hospital-closures/.
- 9 Rural Health Information Hub, "Rural Health Disparities" (Grand Forks, N.D.: RHI Hub, Oct. 31, 2014), https://www.ruralhealthinfo.org/topics/rural-health-disparities.

10 Ibid.

- 11 Kevin A. Matthews, et al., "Health-Related Behaviors by Urban-Rural County Classification—United States, 2013," MMWR Surveillance Summaries 2017 66, no. 5: 1-8, https://www.cdc.gov/mmwr/volumes/66/ss/ss6605a1.htm?s\_cid=ss6605a1\_e.
- 12 Macarena C. Garcia, et al. "Reducing Potentially Excess Deaths from the Five Leading Causes of Death in the Rural United States," *MMWR Surveillance Summaries 2017* 66, no. 2: 1-7, https://www.cdc.gov/mmwr/volumes/66/ss/ss6602a1.htm?s cid=ss6602a1 w.
- 13 Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, "Chronic Disease Overview" (Atlanta, Ga.: Centers for Disease Control and Prevention, June 28, 2017), https://www.cdc.gov/chronicdisease/overview/.
- 14 Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Population Health, "Worker Productivity Measures" (Atlanta, Ga.: Centers for Disease Control and Prevention, April 1, 2016), https://www.cdc.gov/workplacehealthpromotion/model/evaluation/productivity.html.
- 15 U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion, "Access to Health Services" (Washington, D.C.: ODPHP, July 12, 2017), https://www.healthypeople.gov/2020/topics-objectives/topic/Access-to-Health-Services.
- 16 Celeste M. Torio, A. Elixhauser, and R.M. Andrews, *Trends in Potentially Preventable Admissions among Adults and Children, 2005-2010,* Healthcare Cost and Utilization Project Statistical Brief no.151 (Rockville, Md.: Agency for Healthcare Research and Quality, March 2013), https://www.hcup-us.ahrq.gov/reports/statbriefs/sb151.jsp.
- 17 Rural Health Information Hub, "Medicaid and Rural Health" (Grand Forks, N.D.: HRI Hub, Nov. 20, 2014), https://www.ruralhealthinfo.org/topics/medicaid.
- 18 Raynard Kington, D. Tisnado, and D.M. Carlisle, "Increasing Racial and Ethnic Diversity among Physicians: An Intervention to Address Health Disparities?" In *The Right Thing to Do, The Smart Thing to Do: Enhancing Diversity in the Health Professions: Summary of the Symposium on Diversity in Health Professions in Honor of Herbert W. Nickens, MD., eds. Smedley et al.* (Los Angeles, Calif.: UCLA School of Public Health, 2001): 57-90, https://www.ncbi.nlm.nih.gov/books/NBK223632/.
- 19 Virginia Health Workforce Development Authority website (Richmond, Va.: VHWDA, n.d.), http://www.vhwda.org/.

20 Ihid

21 Ibid.

- 22 University of Arkansas for Medical Sciences, Center for Diversity Affairs, "Summer Programs" (Little Rock, Ark.: Center for Diversity Affairs, 2017), http://cda.uams.edu/prgm/.
- 23 South Dakota Office of Rural Health, "Health Occupations for Today and Tomorrow" (Pierre, S.D.: South Dakota Office of Rural Health, n.d.), http://health-careers.sd.gov/.

- 24 U.S. Department of Health and Human Services, Health Resources and Services Administration, National Health Services Corps, "State Loan Repayment Contacts," (Rockville, Md.: HRSA, n.d.), https://nhsc.hrsa.gov/loanrepayment/stateloanrepaymentprogram/contacts.html.
- 25 U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Clinician Recruitment and Service, "State Loan Repayment Program (SLRP)" (Rockville, Md.: HRSA, May 2012), https://nhsc.hrsa.gov/loanrepayment/stateloanrepaymentprogram/.
- 26 Arizona Alliance for Community Health Centers, "Arizona Student Loan Repayment Program" (Phoenix, Ariz.: n.d.), http://www.aachc.org/arizona-student-loan-repayment-program/.
- 27 IHS Markit, 2017 Update: The Complexities of Physician Supply and Demand: Projections from 2015 to 2030. (Washington, D.C.: Association of American Medical Colleges, 2017), https://www.aamc.org/data/workforce/reports/439206/physicianshortageandprojections.html.
- 28 Amanda Van Vleet and Julia Paradise, *Tapping Nurse Practitioners to Meet Rising Demand for Primary Care* (Washington, D.C.: The Henry J. Kaiser Family Foundation, Jan. 20, 2015), http://www.kff.org/medicaid/issue-brief/tapping-nurse-practitioners-to-meet-rising-demand-for-primary-care/.
- 29 Amanda Cassidy, Nurse Practitioners and Primary Care (Updated), *Health Affairs* (May 15, 2013), http://www.healthaffairs.org/healthpolicybriefs/brief. php?brief id=92.
- 30 National Conference of State Legislatures, *Improving Rural Health: State Policy Options* (Denver, Colo.: NCSL, 2016), http://www.ncsl.org/Portals/1/Documents/Health/RuralHealth PolicyOptions2016.pdf.
- 31 American Association of Nurse Practitioners, "More than 234,000 licensed nurse practitioners in the United States" (Alexandria, Va.: AANP, n.d.), https://www.aanp.org/press-room/press-releases/173-press-room/2017-press-releases/2098-more-than-234-000-licensed-nurse-practitioners-in-the-united-states.
- 32 American Association of Nurse Practitioners, "NP Fact Sheet" (Alexandria, Va.: AANP, June 6, 2017), https://www.aanp.org/all-about-nps/np-fact-sheet.
- 33 IHS Markit, 2017 Update: The Complexities of Physician Supply and Demand: Projections from 2015 to 2030 (Washington, D.C.: AAMC, 2017), https://www.aamc.org/data/workforce/reports/439206/physicianshortageandprojections.html.
- 34 Ibid.
- 35 American Association of Nurse Practitioners, "State Practice Environment" (Alexandria, Va.: AANP, n.d.), https://www.aanp.org/legislation-regulation/state-legislation/state-practice-environment.
- 36 National Commission on Certification of Physician Assistants, 2016 Statistical Profile of Certified Physician Assistants (Johns Creek, Ga.: NCCPA, 2017), http://www.nccpa.net/research.
- 37 American Dental Hygienists' Association, Facts about the Dental Hygiene Workforce in the United States (Chicago, Ill.: ADHA, August 2016), http://www.adha.org/resources.
- 38 National Conference of State Legislatures, *Improving Lifetime Oral Health: Policy Options and Innovations* (Denver, Colo.: NCSL, 2016), http://www.ncsl. org/Portals/1/Documents/Health/LifetimeOralHealthpub2016.pdf.
- 39 American Dental Hygienists' Association, "Direct Access" (Chicago, Ill.: ADHA, n.d.), http://www.adha.org/direct-access.
- 40 Center for Connected Health Policy, What is Telehealth? (Sacramento, Calif.: CCHP, April 2017), http://www.cchpca.org/what-is-telehealth.
- 41 National Conference of State Legislatures, *Telehealth Policy Trends and Considerations*, (Denver, Colo.: NCSL, 2015), http://www.ncsl.org/documents/health/telehealth/2015.pdf.
- 42 Ibid.
- 43 Project ECHO, "About ECHO" (Albuquerque, N.M.: University of New Mexico, 2017), http://echo.unm.edu/about-echo/.
- 44 National Conference of State Legislatures, Telehealth Policy Trends and Considerations.
- 45 Ibid.
- 46 Center for Connected Health Policy, State Telehealth Laws and Reimbursement Policies (Sacramento, Calif.: CCHP, April 2017), http://www.cchpca.org/sites/default/files/resources/50%20STATE%20PDF%20FILE%20APRIL%202017%20FINAL%20PASSWORD%20PROTECT.pdf.
- 47 Ibid.
- 48 National Council of State Boards of Nursing, Nurse Licensure Compact (Chicago, Ill.: NCSBN, 2017), https://nursecompact.com/.
- 49 Interstate Medical Licensure Compact Commission, Interstate Medical Licensure Compact (Plano, Texas: IMLCC, 2017), http://www.imlcc.org/.
- 50 National Conference of State Legislatures, Telehealth Policy Trends and Considerations.
- 51 Ibid.
- 52 Center for Connected Health Policy, State Telehealth Laws and Reimbursement Policies.
- 53 Ibid.
- 54 Ibid.

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