

116TH CONGRESS
2D SESSION

S. _____

To permit a licensed health care provider to provide health care services to individuals in one or more States in which the provider is not licensed.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To permit a licensed health care provider to provide health care services to individuals in one or more States in which the provider is not licensed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Access to Care
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In public health emergencies, such as the
9 Coronavirus Disease 2019 pandemic, it is of para-

1 mount importance to deliver medical resources to
2 impacted areas where the need is greatest.

3 (2) Technologies that allow health care pro-
4 viders to deliver care across great distances can de-
5 liver medical care into impacted areas, including
6 mental health services and maintenance care for
7 chronic illnesses.

8 (3) Technologies that allow health care pro-
9 viders to deliver care across great distances can
10 thereby free local providers to address community
11 needs that providers can only address in person.

12 (4) Under the Constitution, the Commerce
13 Clause grants Congress the authority to regulate
14 commerce among the States

15 **SEC. 3. INTERSTATE TELEMEDICINE.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, during the period described in subsection (b),
18 in the case of a physician, practitioner, or other health
19 care provider who is licensed or otherwise legally author-
20 ized to provide health care services in a primary State,
21 and who provides such health care services in interstate
22 commerce through electronic information and tele-
23 communication technologies to an individual in a sec-
24 ondary State, the location of the provision of such services
25 shall be deemed to be the primary State and any require-

1 ment that such physician, practitioner, or other provider
2 obtain a comparable license or other comparable legal au-
3 thorization from the secondary State with respect to the
4 provision of such services (including requirements relating
5 to the prescribing of drugs in such secondary State) shall
6 not apply.

7 (b) PERIOD DESCRIBED.—The period described in
8 this subsection is the period beginning on the date of en-
9 actment of this Act and ending on the date that is 180
10 days after the date on which the national emergency de-
11 clared by the President under the National Emergencies
12 Act (50 U.S.C. 1601 et 6 seq.) with respect to the
13 Coronavirus Disease 2019 (COVID–19) ends.

14 (c) DEFINITIONS.—In this section:

15 (1) PRIMARY STATE.—The term “primary
16 State” means, with respect to the provision of health
17 care services by a physician, practitioner, or other
18 health care provider in interstate commerce through
19 electronic information and telecommunication tech-
20 nologies, the State in which such physician, practi-
21 tioner, or provider is physically located and licensed.

22 (2) SECONDARY STATE.—The term “secondary
23 State” means, with respect to the provision of health
24 care services by a physician, practitioner, or other
25 health care provider in interstate commerce through

1 electronic information and telecommunication tech-
2 nologies, a State in which such physician, practi-
3 tioner, or other provider is not physically located or
4 licensed.