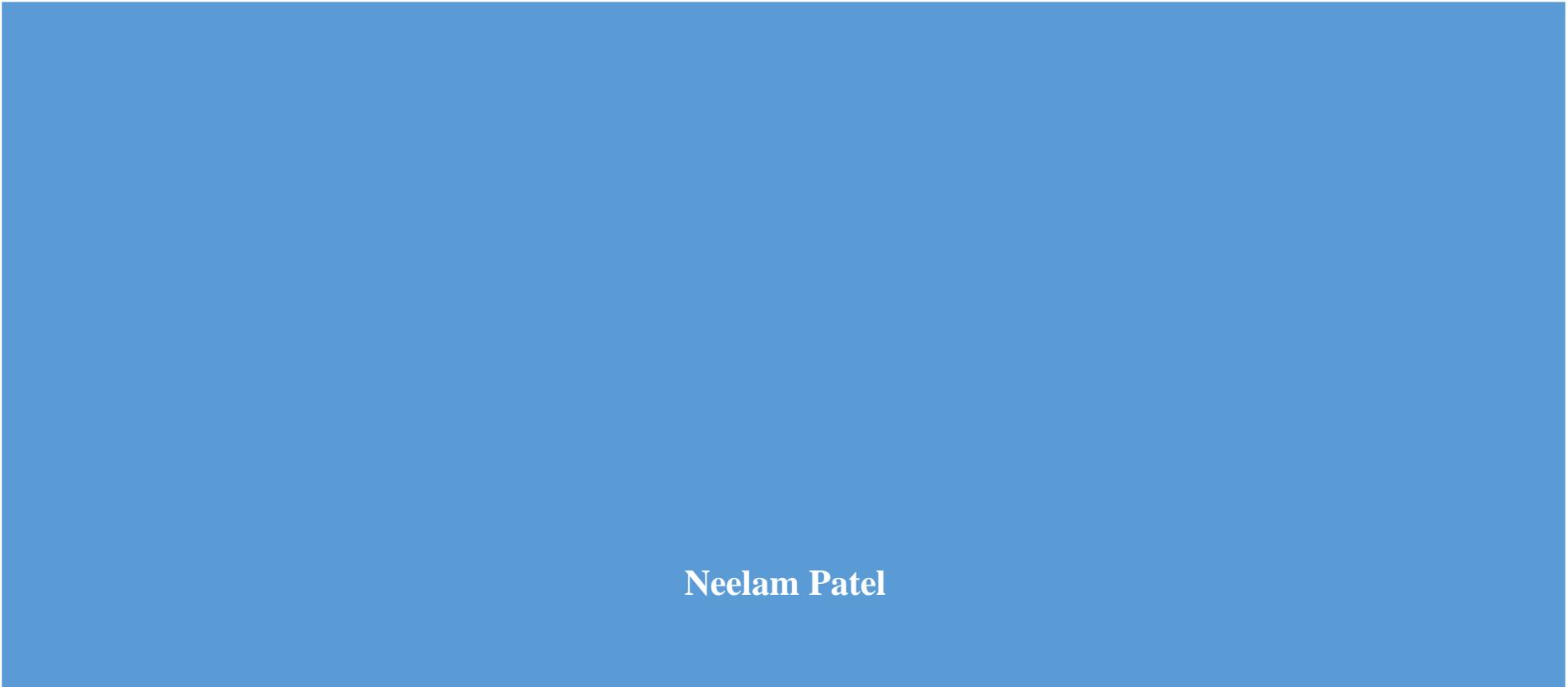


CHIROPRACTIC TELEHEALTH



Neelam Patel

Introduction to Telehealth and Telemedicine

What is Telehealth?

Telehealth is the practice of using any combination of technologies to enhance patient care and improve the healthcare delivery system, encompassing a broad range of services. Telehealth can even refer to non-clinical services, like continuing medical education.

What is Telemedicine?

Telemedicine refers specifically to the practice of using technology to provide remote clinical services. Telemedicine can include diagnosis, treatment, and, if the provider is qualified to do so, the prescription of various kinds of medication.

How do states generally organize their telehealth or telemedicine statutes?

There are a few common ways that states have chosen to enact telehealth as a function of various healthcare providers:

- A dedicated section to telehealth or telemedicine within a statute regulating individual occupations, indicating with a list or specifically by name which practitioners are able to use telehealth and/or telemedicine
- Within the scope of practice or the definitions of various health professions
- A section to telehealth within a statute dedicated to a profession outlining the criterion and scope of telehealth practice

Status of Chiropractic Telehealth and/or Telemedicine	States
Explicitly permitted, or most likely permitted	Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wyoming
Potentially Permitted	Georgia, Michigan, Nebraska, Oklahoma, Virginia, Washington
Explicitly not permitted, or most likely not permitted	District of Columbia, Hawaii, Illinois, Kansas, Louisiana, Minnesota, Mississippi, Montana, New York, Ohio, South Carolina, Wisconsin
Not Addressed	Alabama, Alaska, North Carolina, Pennsylvania, Rhode Island

Why Does it Matter?

If a state statute does not explicitly authorize chiropractors to practice telehealth or telemedicine, it probably will not be covered by insurance.

Lack of health insurance coverage for telehealth would likely be probative to patients attempting to use the service.

State	State Statutes or Regulations on Chiropractic Telehealth
Alabama	<p>No current state laws or regulations on chiropractic telehealth.</p> <p>The Alabama State Board of Chiropractic Examiners held that “doctors of chiropractic are essential healthcare providers, ready to serve their communities both in daily care and in times of urgent need.”</p> <p>https://chiro.alabama.gov/PDF/Coronavirus/COVID-19-20200318.pdf</p>
Alaska	<p>No currently applicable state laws or regulations on chiropractic telehealth.</p> <p>The Alaska Board of Chiropractic Examiners released a statement asserting: “Chiropractic Physicians are significantly better qualified than nurse-practitioners or physician’s assistants and at least equally trained as medical doctors to render accurate diagnosis in a telephonic healthcare relationship, and well-qualified to either treat or refer patients for appropriate care.”</p> <p>https://www.commerce.alaska.gov/web/Portals/5/pub/CHITelemedicineAdvertisingCOVID.pdf</p>
Arizona	<p>Chiropractic telehealth is permitted under Arizona law.</p> <p>“Telehealth” means:</p> <ul style="list-style-type: none"> (a) The interactive use of audio, video or other electronic media, including asynchronous store-and-forward technologies and remote patient monitoring technologies, for the practice of health care, assessment, diagnosis, consultation or treatment and the transfer of medical data. (b) Includes the use of an audio-only telephone encounter between the patient or client and health care provider if an audio-visual telehealth encounter is not reasonably available due to the patient's functional status, the patient's lack of technology or telecommunications infrastructure limits, as determined by the health care provider. (c) Does not include the use of a fax machine, instant messages, voice mail or email. <p>“Health care provider”:</p> <ul style="list-style-type: none"> (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or 42, or chapter 4, article 6 of this title, chapter 6, article 7 of this title or chapter 17 of this title.¹ <p>Ariz. Rev. Stat. Ann. § 36-3601 Chiropractors are listed under title 32, chapter 8, and are therefore eligible to practice through telehealth.</p>
Arkansas	<p>Chiropractic telehealth is likely permitted under Arkansas law.</p>

(7)(A) “Telemedicine” means the use of electronic information and communication technology to deliver healthcare services, including without limitation the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient.

Ark. Code Ann. § 17-80-402 (West)

(d)(1) A healthcare professional who is treating patients in Arkansas through telemedicine shall be fully licensed or certified to practice in Arkansas and is subject to the rules of the appropriate state licensing or certification board.

Ark. Code Ann. § 17-80-404 (West)

“Healthcare professional” means a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

Ark. Code Ann. § 17-80-402 (West)

Chiropractors are licensed to practice under chapter 81 of Arkansas code.

California

Chiropractic telehealth **is likely** permitted under California law.

A health care practitioner licensed under Division 2 (commencing with Section 500) providing services via telehealth shall be subject to the requirements and definitions set forth in Section 2290.5, to the practice act relating to his or her licensed profession, and to the regulations adopted by a board pursuant to that practice act.

Cal. Bus. & Prof. Code § 686 (West)

Chiropractors are licensed under § 926, which falls under Division 2, which makes them health care practitioners licensed to provide services via telemedicine.

Colorado

Chiropractic telehealth **is likely** permitted under Colorado Law

“Health care services” means any services included in or incidental to the furnishing of medical, behavioral, mental health, or substance use disorder; dental, or optometric care; hospitalization; or nursing home care to an individual, as well as the furnishing to any person of any other services for the purpose of preventing, alleviating, curing, or healing human physical illness or injury, or behavioral, mental health, or substance use disorder. “Health care services” includes the rendering of the services through the use of telehealth, as defined in section 10-16-123(4)(e).

Colo. Rev. Stat. Ann. § 10-16-102 (West)

“Telehealth” means a mode of delivery of health care services through HIPAA-compliant telecommunications systems, including information, electronic, and communication technologies, remote monitoring technologies, and store-and-forward transfers, to facilitate the assessment, diagnosis, consultation, treatment, education, care management, or self-management of a covered person's health care while the covered person is located at an originating site and the provider is located at a distant site.

Colo. Rev. Stat. Ann. § 10-16-123 (West)

“Chiropractic” means that branch of the healing arts that is based on the premise that disease is attributable to the abnormal functioning of the human nervous system. It includes the diagnosing and analyzing of human ailments and seeks the elimination of the abnormal functioning of the human nervous system by the adjustment or manipulation, by hand or instrument, of the articulations and adjacent tissue of the human body, particularly the spinal column, and the use as indicated of procedures that facilitate the adjustment or manipulation and make it more effective and the use of sanitary, hygienic, nutritional, and physical remedial measures for the promotion, maintenance, and restoration of health, the prevention of disease, and the treatment of human ailments. “Chiropractic” includes the use of venipuncture for diagnostic purposes.

Colo. Rev. Stat. Ann. § 12-215-103 (West)

Connecticut

Chiropractic telehealth **is** permitted under Connecticut law.

“Telehealth” means the mode of delivering health care or other health services via information and communication technologies to facilitate the diagnosis, consultation and treatment, education, care management and self-management of a patient's physical and mental health, and includes (A) interaction between the patient at the originating site and the telehealth provider at a distant site, and (B) synchronous interactions, asynchronous store and forward transfers or remote patient monitoring. Telehealth does not include the use of facsimile, audio-only telephone, texting or electronic mail.

“Telehealth provider” means any ...chiropractor licensed under chapter 372...who is providing health care or other health services through the use of telehealth within such person's scope of practice and in accordance with the standard of care applicable to the profession.

Conn. Gen. Stat. Ann. § 19a-906 (West)

Delaware

Chiropractic telehealth **is** permitted under Delaware law.

“Telehealth” means the use of information and communications technologies consisting of telephones, remote patient monitoring devices or other electronic means which support clinical health-care, provider consultation, patient and professional health-related education, public health, health administration, and other services as

described in regulation.

Del. Code Ann. tit. 24, § 6001 (West)

“Health-care provider” means any person authorized to deliver clinical health-care services by telemedicine and participate in telehealth pursuant to this chapter and regulations promulgated by the respective professional boards listed in § 6002.

Del. Code Ann. tit. 24, § 6001 (West)

Health-care providers licensed by the following professional boards existing under this title are authorized to deliver health-care services by telehealth and telemedicine subject to the provisions of this chapter:
...The Board of Chiropractic created pursuant to Chapter 7 of this title.

Del. Code Ann. tit. 24, § 6002 (West)

DC

Chiropractic telehealth is **likely not** permitted under DC law.

In order to practice telemedicine for a patient located within the District of Columbia, a license to practice medicine in the District of Columbia is required.

D.C. Mun. Regs. tit. 17, § 4618

Chiropractors do not have a medical license and are therefore likely unable to practice telemedicine in DC.

Chiropractic telehealth is **likely** permitted under Florida state law.

Florida

“Telehealth” means the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include audio-only telephone calls, e-mail messages, or facsimile transmissions.

“Telehealth provider” means any individual who provides health care and related services using telehealth and who is licensed or certified under...chapter 460.

Fla. Stat. Ann. § 456.47 (West)

Chiropractors are licensed under chapter 460.

Georgia

Fla. Stat. Ann. § 460 *et seq.* (West)

Chiropractic telehealth **may be** permitted under Georgia law.

“Telehealth” means the use of information and communications technologies, including, but not limited to, telephones, remote patient monitoring devices or other electronic means which support clinical health care, provider consultation, patient and professional health related education, public health, and health administration.

“Telemedicine” means a form of telehealth which is the delivery of clinical health care services by means of real-time two-way audio, visual, or other telecommunications or electronic communications, including the application of secure video conferencing or store and forward transfer technology to provide or support health care delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care by a health care provider practicing within his or her scope of practice as would be practiced in-person with a patient as prescribed by applicable federal and state laws, rules, and regulations, and legally allowed to practice in this state, while such patient is at an originating site and the health care provider is at a distant site. Such term includes audio-only telephone only when no other means of real-time two-way audio, visual, or other telecommunications or electronic communications are available to the patient due to lack of availability of such real-time two-way audio, visual, or other telecommunications or electronic communications, due to lack of adequate broadband access, or because the use of other means of real-time two-way audio, visual, or other telecommunications or electronic communications is infeasible, impractical, or otherwise not medically advisable, as determined by the health care provider providing telemedicine services to the patient or as determined by another health care provider with an existing relationship with the patient.

Ga. Code Ann. § 33-24-56.4 (West)

The statute does not supply a definition of “health care providers,” so it is unclear whether or not chiropractors are statutorily able to practice telemedicine.

Hawaii

Chiropractic telehealth **may not be** permitted under Hawaii law.

“Telehealth” means the use of telecommunications as that term is defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purposes of: delivering enhanced health care services and information while a patient is at an originating site and the physician is at a distant site; establishing a physician-patient relationship; evaluating a patient; or treating a patient.

Haw. Rev. Stat. Ann. § 453-1.3 (West)

Chiropractic is defined to be the science of palpating and adjusting the articulations of the human spinal column by hand; provided that the practice of chiropractic as contemplated and set forth in this chapter may include the use of necessary patient evaluation and management procedures of the human spinal column, hot or cold packs, whirlpool, therapeutic and rehabilitative exercise, traction, electrical and electromechanical stimulation, therapeutic ultrasound, myofascial release, diathermy, infrared, and chiropractic spinal manipulative treatment and extraspinal evaluations for the diagnosis and treatment of neuromusculoskeletal conditions related to the human spinal column, subject to the restrictions contained in this chapter; and provided further that the practice of chiropractic as contemplated and set forth in this chapter shall not include the practice of lomilomi or massage. For the purposes of this section, spinal refers to the five spinal regions: cervical region (includes atlanto-occipital joint); thoracic region (includes costovertebral and costotransverse joint); lumbar region; sacral region; and pelvic (sacroiliac joint) region.

Haw. Rev. Stat. Ann. § 442-1 (West)

The definition of telehealth is under the chapter on “Medicine and Surgery,” which does not contain the chapter on chiropractors. Additionally, the definition of “chiropractic” does not contain the ability to perform telemedicine. However, chiropractic telehealth is not explicitly banned.

Idaho

Chiropractic telehealth **is most likely** permitted under Idaho law.

“Telehealth services” means health care services provided by a provider to a person through the use of electronic communications, information technology, asynchronous store and forward transfer or synchronous interaction between a provider at a distant site and a patient at an originating site. Such services include but are not limited to clinical care, health education, home health and facilitation of self-managed care and caregiver support, and the use of synchronous or asynchronous telecommunications technologies by a provider to deliver patient health care services, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term “telehealth services” does not include audio in isolation without access to and review of the patient's medical records, electronic mail messages that are not compliant with the health insurance portability and accountability act (HIPAA), or facsimile transmissions.

“Provider” means any health care provider who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho, pursuant to title 54, Idaho Code, to deliver health care consistent with his or her license.

Idaho Code Ann. § 54-5703 (West)

Chiropractors are licensed in Idaho.

Idaho Code Ann. § 54-701 (West)

Illinois

Chiropractic telehealth is **probably not** permitted under Illinois law.

For purposes of this Act, “telemedicine” means the performance of any of the activities listed in Section 49, including, but not limited to, rendering written or oral opinions concerning diagnosis or treatment of a patient in Illinois by a person in a different location than the patient as a result of transmission of individual patient data by telephonic, electronic, or other means of communication.

225 Ill. Comp. Stat. Ann. 60/49.5

“Health care professional” includes physicians, physician assistants, optometrists, advanced practice registered nurses, clinical psychologists licensed in Illinois, prescribing psychologists licensed in Illinois, dentists, occupational therapists, pharmacists, physical therapists, clinical social workers, speech-language pathologists, audiologists, hearing instrument dispensers, and mental health professionals and clinicians authorized by Illinois law to provide mental health services.

225 Ill. Comp. Stat. Ann. 150/5

While chiropractors are not specifically banned from providing telemedicine, they are not listed under a fairly comprehensive list of health care professionals who are.

Indiana

Chiropractic telehealth **is** permitted under Indiana law.

As used in this chapter, “telehealth” means the delivery of health care services using interactive electronic communications and information technology, in compliance with the federal Health Insurance Portability and Accountability Act (HIPAA)...

Ind. Code Ann. § 25-1-9.5-6 (West)

As used in this chapter, “practitioner” means an individual who holds an unlimited license to practice as any of the following in Indiana...

(2) A chiropractor licensed under IC 25-10.

Ind. Code Ann. § 25-1-9.5-3.5 (West)

Iowa

Chiropractic telehealth **is most likely** permitted under Iowa law.

“Telehealth”, for purposes of IC 16-34-1 and IC 16-36-1, means a specific method of delivery of services, including medical exams and consultations and behavioral health evaluations and treatment, including those for

substance abuse, using technology allowed under IC 25-1-9.5-6 to allow a provider to render an examination or other service to a patient at a distant location.

Ind. Code Ann. § 16-18-2-348.5 (West)

(b) “Provider”, for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7), and IC 16-41-1 through IC 16-41-9, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following...

(H) A chiropractor.

Ind. Code Ann. § 16-18-2-295 (West)

Kansas

Chiropractic telehealth is **probably not** permitted under Kansas law.

“Telemedicine,” including “telehealth,” means the delivery of healthcare services or consultations while the patient is at an originating site and the healthcare provider is at a distant site. Telemedicine shall be provided by means of real-time two-way interactive audio, visual, or audio-visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support healthcare delivery, that facilitate the assessment, diagnosis, consultation, treatment, education and care management of a patient's healthcare.

Kan. Stat. Ann. § 40-2,211 (West)

“Healthcare provider” means a physician, licensed physician assistant, licensed advanced practice registered nurse or person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board.

Kan. Stat. Ann. § 40-2,211 (West)

Chiropractors are not listed in the stated catalog of professions permitted to practice telemedicine, nor are they authorized to practice by the behavioral science board. Kan. Stat. Ann. § 74-7507 (West).

Kentucky

Chiropractic telehealth is **most likely** permitted under Kentucky law.

“Telehealth” or “digital health”:

Means a mode of delivering healthcare services through the use of telecommunication technologies, including but not limited to synchronous and asynchronous technology, remote patient monitoring technology, and audio-only encounters, by a health care provider to a patient or to another health care provider at a different location.

"Health care service" means health care procedures, treatments, or services rendered by a provider within the scope of practice for which the provider is licensed or certified and includes physical and behavioral health care

"Professional licensure board" means a licensure board established in Kentucky for the purpose of regulating and overseeing the practice of health care providers, including but not limited to...

(d) Kentucky State Board of Chiropractic Examiners established by KRS 312.025

2021 Kentucky House Bill No. 140, Kentucky 2021 Regular Session.

Louisiana

Chiropractic telehealth is **probably not** permitted under Louisiana law.

"Telehealth" means healthcare services, including behavioral health services, provided by a healthcare provider, as defined in this Section, to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient, and transfer of medical data.

2021 Louisiana House Bill No. 270, Louisiana 2021 Regular Session, 2021 Louisiana House Bill No. 270, Louisiana 2021 Regular Session

"Physician" means a natural person who is the holder of an allopathic (M.D.) degree or an osteopathic (D.O.) degree from a medical college in good standing with the board who holds a license, permit, certification, or registration issued by the board to engage in the practice of medicine in the state of Louisiana.

La. Stat. Ann. § 37:1262

Because chiropractors have neither M.D. nor a D.O., they are likely excluded from the definition of "physician" presented in the statute and are therefore unable to practice telemedicine.

Maine

Chiropractic telehealth **is** permitted under Maine law.

Chiropractic doctors. "Chiropractic doctors" are health care providers functioning within their scope of practice as provided by this chapter.

Me. Rev. Stat. tit. 32, § 451

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this

subchapter and in accordance with standards of practice.

Me. Rev. Stat. tit. 32, § 567

Maryland

Chiropractic telehealth **is most likely** permitted under Maryland law.

“Telehealth” means a mode of delivering health care services through the use of telecommunications technologies by a health care practitioner to a patient at a different physical location than the health care practitioner.

“Health care practitioner” means an individual who is licensed, certified, or otherwise authorized by law to provide health care services under this article.

Md. Code Ann., Health Occ. § 1-1001 (West)

“License” means, unless the context requires otherwise, a license granted by the Board:

- (1) To practice chiropractic; or
- (2) To practice chiropractic with the right to practice physical therapy.

Md. Code Ann., Health Occ. § 3-101 (West)

Chiropractors are licensed under the designated article, so chiropractors are eligible to practice telemedicine.

Chiropractic telehealth **is most likely** permitted under Massachusetts law.

Massachusetts

For purposes of this section “telehealth” shall mean the use of synchronous or asynchronous audio, video, electronic media or other telecommunications technology, including, but not limited to: (i) interactive audio-video technology; (ii) remote patient monitoring devices; (iii) audio-only telephone; and (iv) online adaptive interviews, for the purpose of evaluating, diagnosing, consulting, prescribing, treating or monitoring of a patient's physical health, oral health, mental health or substance use disorder condition.

Notwithstanding any provision of this chapter to the contrary, the board shall allow a physician licensed by the board to obtain proxy credentialing and privileging for telehealth services with other health care providers, as defined in section 1 of chapter 111, or facilities that comply with the federal Centers for Medicare and Medicaid Services’ conditions of participation for telehealth services.

Mass. Gen. Laws Ann. ch. 112, § 50 (West)

“Health care provider”, any...doctor of chiropractic... licensed under the provisions of chapter one hundred and twelve.

Mass. Gen. Laws Ann. ch. 111, § 1 (West)

Michigan

Chiropractic telehealth **may be** permitted under Michigan law.

“Telehealth” means the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine.

Mich. Comp. Laws Ann. § 333.16283 (West)

“Health professional” means an individual who is engaging in the practice of a health profession.

Mich. Comp. Laws Ann. § 333.16283 (West)

“Health profession” means a vocation, calling, occupation, or employment performed by an individual acting pursuant to a license or registration issued under this article.

Mich. Comp. Laws Ann. § 333.16105 (West)

The statutory definitions do not list specific professions that are considered health professions or health professionals, but it is likely that chiropractic practice would fit under the definition provided. s

Minnesota

Chiropractic telehealth is **probably not** permitted under Minnesota law.

For the purposes of this section, “telemedicine” means the delivery of health care services or consultations while the patient is at an originating site and the licensed health care provider is at a distant site. A communication between licensed health care providers that consists solely of a telephone conversation, e-mail, or facsimile transmission does not constitute telemedicine consultations or services. A communication between a licensed health care provider and a patient that consists solely of an e-mail or facsimile transmission does not constitute telemedicine consultations or services. Telemedicine may be provided by means of real-time two-way interactive audio, and visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support health care delivery, that facilitate the assessment, diagnosis, consultation, treatment, education, and care management of a patient's health care

Minn. Stat. Ann. § 147.033 (West)

Chiropractic telemedicine is not touched on in the statute, which is under the Minnesota Board of Medicine regulations.

Mississippi

Chiropractic telehealth is **probably not** permitted under Mississippi law.

Except as hereinafter provided, no person shall engage in the practice of medicine across state lines (telemedicine) in this state, hold himself out as qualified to do the same, or use any title, word or abbreviation to indicate to or induce others to believe that he is duly licensed to practice medicine across state lines in this state unless he has first obtained a license to do so from the State Board of Medical Licensure and has met all educational and licensure requirements as determined by the State Board of Medical Licensure.

Miss. Code. Ann. § 73-25-34 (West)

The Mississippi telehealth statute appears to conflate practice across state lines with telemedicine, and it is only able to be practiced by those with a license from the Board of Medicine. Chiropractors are therefore likely unable to practice telemedicine under Mississippi law.

Missouri

Chiropractic telehealth is **most likely** permitted under Missouri law.

“Telehealth” or “telemedicine”, the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

Mo. Ann. Stat. § 191.1145 (West)

“Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease, including but not limited to the provision of drugs or durable medical equipment

Mo. Ann. Stat. § 376.1350 (West)

The “practice of chiropractic” is defined as the science and art of examination, diagnosis, adjustment, manipulation and treatment both in inpatient and outpatient settings, by those methods commonly taught in any chiropractic college or chiropractic program in a university which has been accredited by the Council on Chiropractic Education, its successor entity or approved by the board. It shall not include the use of operative surgery, obstetrics, osteopathy, podiatry, nor the administration or prescribing of any drug or medicine nor the practice of medicine. The practice of chiropractic is declared not to be the practice of medicine and operative surgery or osteopathy within the meaning of chapter 334 and not subject to the provisions of the chapter.

Mo. Ann. Stat. § 331.010 (West)

The practice of chiropractic likely fits under the definition of a health care service, and is therefore eligible to be carried out through telehealth, although there is no specific mention of the profession in the statute.

Montana

Chiropractic telehealth is **probably not** permitted under Montana law.

“Telemedicine” means the practice of medicine using interactive electronic communications, information technology, audio-only conversations, or other means between a licensee in one location and a patient in another location with or without an intervening health care provider. Telemedicine includes the application of secure videoconferencing or store-and-forward technology.

MT LEGIS 242 (2021), 2021 Montana Laws Ch. 242 (H.B. 43)

“Practice of medicine” means the diagnosis, treatment, or correction of or the attempt to or the holding of oneself out as being able to diagnose, treat, or correct human conditions, ailments, diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities, including electronic and technological means such as telemedicine. If a person who does not possess a license to practice medicine in this state under this chapter and who is not exempt from the licensing requirements of this chapter performs acts constituting the practice of medicine, the person is practicing medicine in violation of this chapter.

MT LEGIS 242 (2021), 2021 Montana Laws Ch. 242 (H.B. 43)

Chiropractors likely do not fit under this definition because they are not licensed by the medical board, and therefore are not licensed to practice medicine under the definition in the statute.

Nebraska

Chiropractic telehealth **may be** permitted under Nebraska law

Telehealth means the use of medical information electronically exchanged from one site to another, whether synchronously or asynchronously, to aid a credential holder in the diagnosis or treatment of a patient. Telehealth includes services originating from a patient's home or any other location where such patient is located, asynchronous services involving the acquisition and storage of medical information at one site that is then forwarded to or retrieved by a credential holder at another site for medical evaluation, and telemonitoring.

Neb. Rev. Stat. Ann. § 38-120.01 (West)

Except as otherwise provided in subsection (4) of this section, any credential holder under the Uniform Credentialing Act may establish a provider-patient relationship through telehealth.

NE LEGIS 148 (2021), 2021 Nebraska Laws L.B. 148

Neb. Rev. Stat. Ann. § 38-801 *et seq.* (West)

The section on chiropractic practice is under the Uniform Credentialing Act, and chiropractors are therefore likely able to practice telehealth. However, because that statute specifically states that those licensed in professions which are under the Act may “establish a provider-patient relationship through telehealth,” and does not specifically state that they may continue to practice, chiropractic telehealth in general “may” be permitted. Chiropractic telehealth **is most likely** permitted under Nevada law.

Nevada

“Telehealth” means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including standard telephone, facsimile or electronic mail.

Nev. Rev. Stat. Ann. § 629.515 (West)

Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient, the provider must hold a valid license or certificate to practice his or her profession in this State.

Nev. Rev. Stat. Ann. § 629.515 (West)

All licenses must be signed by the President and the Secretary and be attested by the official seal of the Board. The required fee must be collected before a license to practice chiropractic is delivered

Nev. Rev. Stat. Ann. § 634.120 (West)

Chiropractors are licensed health care professionals and are therefore most likely able to practice telehealth. Chiropractic telehealth **is** permitted under New Hampshire law.

New Hampshire

27:18 New Section; Chiropractic Examiners. Amend RSA 316-A by inserting after section 15 the following new section:

316-A:15-a Services Provided by Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

2019 New Hampshire House Bill No. 1623, New Hampshire Second Year of the One Hundred Sixty-Sixth Session of the General Court, 2019 New Hampshire House Bill No. 1623, New Hampshire Second Year of the One Hundred Sixty-Sixth Session of the General Court

<p>New Jersey</p>	<p>Based on this new amendment, those licensed by the chiropractic board would be able to practice telemedicine. Chiropractic telehealth is most likely permitted under New Jersey law.</p> <p>Any health care provider who uses telemedicine or engages in telehealth while providing health care services to a patient, shall: (1) be validly licensed, certified, or registered, pursuant to Title 45 of the Revised Statutes, to provide such services in the State of New Jersey; (2) remain subject to regulation by the appropriate New Jersey State licensing board or other New Jersey State professional regulatory entity...</p> <p>N.J. Stat. Ann. § 45:1-62 (West)</p> <p>Chiropractors are licensed under Title 45 as health care providers.</p> <p>N.J. Stat. Ann. § 45:9-41.17 (West)</p>
<p>New Mexico</p>	<p>Chiropractic telehealth is permitted under New Mexico law.</p> <p>As used in the New Mexico Telehealth Act: A. “health care provider” means a person licensed to provide health care to patients in New Mexico, including... (2) a chiropractic physician;</p> <p>N.M. Stat. Ann. § 24-25-3 (West)</p>
<p>New York</p>	<p>Chiropractic telehealth is probably not permitted under New York law.</p> <p>“Telehealth provider” means:</p> <ul style="list-style-type: none"> (a) a physician licensed pursuant to article one hundred thirty-one of the education law; (b) a physician assistant licensed pursuant to article one hundred thirty-one-B of the education law; (c) a dentist licensed pursuant to article one hundred thirty-three of the education law; (d) a nurse practitioner licensed pursuant to article one hundred thirty-nine of the education law; (e) a registered professional nurse licensed pursuant to article one hundred thirty-nine of the education law only when such nurse is receiving patient-specific health information or medical data at a distant site by means of remote patient monitoring; (f) a podiatrist licensed pursuant to article one hundred forty-one of the education law; (g) an optometrist licensed pursuant to article one hundred forty-three of the education law; (h) a psychologist licensed pursuant to article one hundred fifty-three of the education law; (i) a social worker licensed pursuant to article one hundred fifty-four of the education law; (j) a speech language pathologist or audiologist licensed pursuant to article one hundred fifty-nine of the education law; (k) a midwife licensed pursuant to article one hundred forty of the education law; (l) a physical therapist licensed pursuant to article one hundred thirty-six of the education law;

- (m) an occupational therapist licensed pursuant to article one hundred fifty-six of the education law;
- (n) a person who is certified as a diabetes educator by the National Certification Board for Diabetes Educators, or a successor national certification board, or provided by such a professional who is affiliated with a program certified by the American Diabetes Association, the American Association of Diabetes Educators, the Indian Health Services, or any other national accreditation organization approved by the federal centers for medicare and medicaid services;
- (o) a person who is certified as an asthma educator by the National Asthma Educator Certification Board, or a successor national certification board;
- (p) a person who is certified as a genetic counselor by the American Board of Genetic Counseling, or a successor national certification board;
- (q) a hospital as defined in article twenty-eight of this chapter, including residential health care facilities serving special needs populations;
- (r) a home care services agency as defined in article thirty-six of this chapter;
- (s) a hospice as defined in article forty of this chapter;
- (t) credentialed alcoholism and substance abuse counselors credentialed by the office of addiction services and supports or by a credentialing entity approved by such office pursuant to section 19.07 of the mental hygiene law;
- (u) providers authorized to provide services and service coordination under the early intervention program pursuant to article twenty-five of this chapter;
- (v) clinics licensed or certified under article sixteen of the mental hygiene law and certified and non-certified day and residential programs funded or operated by the office for people with developmental disabilities;
- (w) a care manager employed by or under contract to a health home program, patient centered medical home, office for people with developmental disabilities Care Coordination Organization (CCO), hospice or a voluntary foster care agency certified by the office of children and family services certified and licensed pursuant to article twenty-nine-i of this chapter;
- (x) certified peer recovery advocate services providers certified by the commissioner of addiction services and supports pursuant to section 19.18-b of the mental hygiene law, peer providers credentialed by the commissioner of addiction services and supports and peers certified or credentialed by the office of mental health; and
- (y) any other provider as determined by the commissioner pursuant to regulation or, in consultation with the commissioner, by the commissioner of the office of mental health, the commissioner of the office of addiction services and supports, or the commissioner of the office for people with developmental disabilities pursuant to regulation.

N.Y. Pub. Health Law § 2999-cc (McKinney)

Chiropractors are not mentioned in an extremely detailed list of professions able to practice telehealth, which makes it very unlikely that they are legally able to practice in the state.

There are currently no applicable state statutes regarding telehealth.

North Dakota

Chiropractic telehealth **is** permitted under North Dakota law.

“The practice of chiropractic” includes...
(7) Telehealth.

N.D. Cent. Code Ann. § 43-06-01 (West)

Ohio

Chiropractic telehealth is **probably not** permitted under Ohio law.

The following practitioners are eligible to render services through the use of telehealth:

- (a) Physician as defined in Chapter 4731. of the Revised Code.
- (b) Psychologist as defined in Chapter 4732. of the Revised Code.
- (c) Physician assistant as defined in Chapter 4730. of the Revised Code.
- (d) Clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as defined in Chapter 4723. of the Revised Code.
- (e) Licensed independent social worker, licensed independent marriage and family therapist, or licensed professional clinical counselor as defined in Chapter 4757. of the Revised Code.
- (f) Licensed independent chemical dependency counselor as defined in Chapter 4758. of the Revised Code.
- (g) Supervised practitioners, trainees, residents, and interns as defined in rules 5160-4-05 and 5160-8-05 of the Administrative Code.
- (h) Audiologist, speech-language pathologist, speech-language pathology aides, audiology aides, and individuals holding a conditional license as defined in Chapter 4753. of the Revised Code.
- (i) Occupational and physical therapist and occupational and physical therapist assistants as defined in Chapter 4755. of the Revised Code.
- (j) Home health and hospice aides.
- (k) Private duty registered nurse or licensed practical nurse in a home health or hospice setting.
- (l) Dentists as defined in Chapter 4715. of the Revised Code.
- (m) Medicaid school program (MSP) practitioners as described in Chapter 5160-35 of the Administrative Code.
- (n) Dietitians as defined in Chapter 4759. of the Revised Code.
- (o) Behavioral health practitioners as defined in rule 5160-27-01 of the Administrative Code.
- (p) Optometrists as defined in Chapter 4725. of the Revised Code.
- (q) Other practitioners if specifically authorized in rule promulgated under agency 5160 of the Administrative Code.

Ohio Admin. Code 5160-1-18

Chiropractors are not mentioned in an extremely detailed list of professions able to practice telehealth, which makes it very unlikely that they are legally able to practice in the state.

Oklahoma

Chiropractic telehealth **may be** permitted under Oklahoma law.

As used in the Oklahoma Telemedicine Act, “telemedicine” means technology-enabled health and care management and delivery systems that extend capacity and access, which includes:

- a. synchronous mechanisms, which may include live audiovisual interaction between a patient and a health care professional or real-time provider to provider consultation through live interactive audiovisual means,
- b. asynchronous mechanisms, which include store and forward transfers, online exchange of health information between a patient and a health care professional and online exchange of health information between health care professionals, but shall not include the use of automated text messages or automated mobile applications that serve as the sole interaction between a patient and a health care professional,
- c. remote patient monitoring, and
- d. other electronic means that support clinical health care, professional consultation, patient and professional health-related education, public health and health administration.

TELEMEDICINE, 2021 Okla. Sess. Law Serv. Ch. 293 (S.B. 673) (WEST).

Nowhere in the Act does it specify which providers are able to practice telehealth, and the Act itself is under a Title dealing with insurance, so there is no guiding information or limitations there.

Oregon

Chiropractic telehealth **is** permitted under Oregon law.

A chiropractic physician who is licensed by, and is in active status with, the Oregon Board of Chiropractic Examiners to practice chiropractic may use telehealth if:

- (a) The use of telehealth is an appropriate manner in which to provide a chiropractic service;
- (b) The chiropractic physician is providing a chiropractic service that is within the scope of practice of the chiropractic physician

Or. Admin. R. 811-015-0066

Pennsylvania

There are currently no applicable state statutes regarding telehealth.

Rhode Island

There are currently no applicable state statutes regarding telehealth.

South Carolina

Chiropractic telehealth is **probably not** permitted under South Carolina law.

“Telemedicine” means the practice of medicine using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening practitioner.

S.C. Code Ann. § 40-47-20

“Practice of Medicine” means:

- (a) advertising, holding out to the public or representing in any manner that one is authorized to practice medicine in this State;
- (b) offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other person;
- (c) offering or undertaking to prevent or to diagnose, correct or treat in any manner, or by any means, methods, or devices, disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of a person, including the management of pregnancy and parturition;
- (d) offering or undertaking to perform any surgical operation upon a person;
- (e) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient or the actual rendering of treatment to a patient within this State by a physician located outside the State as a result of transmission of individual patient data by electronic or other means from within a state to such physician or his or her agent;
- (f) rendering a determination of medical necessity or a decision affecting the diagnosis and/or treatment of a patient is the practice of medicine subject to all of the powers provided to the Board of Medical Examiners, except as provided in Section 38-59-25;
- (g) using the designation Doctor, Doctor of Medicine, Doctor of Osteopathic Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., D.O., or any combination of these in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this State that is applicable to the clinical setting; and
- (h) testifying as a physician in an administrative, civil, or criminal proceeding in this State by expressing an expert medical opinion

S.C. Code Ann. § 40-47-20

The South Carolina statute places telemedicine under the purview of those who practice medicine. Chiropractors are excluded from this definition and are therefore likely unable to practice telemedicine.

Chiropractic telehealth is **probably** permitted under South Dakota law.

Any health care professional treating a patient in the state through telehealth shall be:

- (1) Fully licensed to practice in the state or employed by a licensed health care facility, an accredited prevention or treatment facility, a community support provider, a nonprofit mental health center, or a licensed child welfare agency under § 36-32-76; and
- (2) Subject to any rule adopted by the applicable South Dakota licensing body.

S.D. Codified Laws § 34-52-2

South Dakota

“Health care professional,” a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with state law;

S.D. Codified Laws § 58-17F-1

Chiropractic is the science of locating and removing the cause of any abnormal transmission of nerve energy including diagnostic and applied mechanical measures incident thereto. Integral to chiropractic is the treating of specific joints and articulations of the body and adjacent tissues, to influence joints or neurophysiological functions of the body, or both, including the use of examination and treatment by manipulation, adjustment, and mobilization of a joint.

S.D. Codified Laws § 36-5-1

Because chiropractors are licensed to perform specific health services as laid out in the statute, it is likely that they are able to practice telemedicine.

Tennessee

Chiropractic telehealth is **probably** permitted under South Dakota law.

(3) “Telehealth,” “telemedicine,” and “provider-based telemedicine” mean:

(A) The use of real time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient for the purpose of diagnosis, consultation, or treatment of a patient at a distant site where there may be no in-person exchange between a healthcare provider and a patient; or

(B) Store-and-forward telemedicine services.

Tenn. Code Ann. § 63-1-155 (West)

“Healthcare provider” means:

(A) An individual acting within the scope of a valid license issued pursuant to this title;

Tenn. Code Ann. § 63-1-155 (West)

“Practice of chiropractic” means the diagnosis and treatment of patients.

Tenn. Code Ann. § 63-4-101 (West)

Chiropractors are licensed under the Title in question and chiropractors are therefore most likely able to practice telemedicine.

Texas

Chiropractic telehealth is **probably** permitted under Texas law.

“Telehealth service” means a health service, other than a telemedicine medical service, delivered by a health professional licensed, certified, or otherwise entitled to practice in this state and acting within the scope of the health professional's license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology.

Tex. Occ. Code Ann. § 111.001 (West)

“Health professional” means a person who holds a license issued by the department under Title 3.

Provision of Telehealth Services by Certain Health Professionals Licensed by the Texas Department of Licensing and Regulation, 2021 Tex. Sess. Law Serv. Ch. 210 (S.B. 40) (VERNON'S)

“Chiropractor” means a person licensed to practice chiropractic by the board.

Tex. Occ. Code Ann. § 201.001 (West)

Because chiropractors are licensed under Title 3, they are most likely able to practice telemedicine.

Chiropractic telehealth is **probably** permitted under Utah law.

“Telehealth services” means the transmission of health-related services or information through the use of electronic communication or information technology.

(9) “Telemedicine services” means telehealth services:

(a) including:

(i) clinical care;

(ii) health education...

Utah Code Ann. § 26-60-102 (West)

“Provider” means an individual who is:

(a) licensed under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;

(b) licensed under Title 58, Occupations and Professions, to provide health care; or

Utah Code Ann. § 26-60-102 (West)

Chiropractors are licensed under Title 58.

Utah Code Ann. § 58-73-101 (West)

Utah

Vermont

Because chiropractors are licensed under Title 58, they are most likely able to practice telemedicine. Chiropractic telehealth is **probably** permitted under Vermont law.

“Telemedicine” means the delivery of health care services, including dental services, such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996.

Vt. Stat. Ann. tit. 8, § 4100k (West)

“Health care provider” means a person, partnership, or corporation, other than a facility or institution, that is licensed, certified, or otherwise authorized by law to provide professional health care services, including dental services, in this State to an individual during that individual's medical care, treatment, or confinement.

Vt. Stat. Ann. tit. 8, § 4100k (West)

“The practice of chiropractic” means the diagnosis of human ailments and diseases related to subluxations, joint dysfunctions, and neuromuscular and skeletal disorders for the purpose of their detection, correction, or referral in order to restore and maintain health, including pain relief, without providing drugs or performing surgery; the use of physical and clinical examinations, conventional radiologic procedures and interpretation, as well as the use of diagnostic imaging read and interpreted by a person so licensed and clinical laboratory procedures to determine the propriety of a regimen of chiropractic care; adjunctive therapies approved by the Board, by rule, to be used in conjunction with chiropractic treatment; and treatment by adjustment or manipulation of the spine or other joints and connected neuromusculoskeletal tissues and bodily articulations.

Vt. Stat. Ann. tit. 26, § 521 (West)

Chiropractors are licensed to practice health care.

Vt. Stat. Ann. tit. 26, § 531 (West)

Because chiropractors are licensed to provide health care, they are eligible to practice telemedicine. Chiropractic telehealth **may be** permitted under Virginia law.

Virginia

“Telemedicine services” as it pertains to the delivery of health care services, means the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient, providing remote patient monitoring services, or consulting with other health care providers regarding a patient's diagnosis or treatment, regardless of the originating site and whether the patient is accompanied by a health care provider at the time such services are provided. “Telemedicine services” does not include an audio-only

telephone, electronic mail message, facsimile transmission, or online questionnaire. Nothing in this section shall preclude coverage for a service that is not a telemedicine service, including services delivered through real-time audio-only telephone.

Va. Code Ann. § 38.2-3418.16 (West)

There is no list of eligible professions, and no list of definitions in the statute to determine which professions are eligible for telehealth.

Washington

Chiropractic telehealth **may be** permitted under Washington law.

“Telemedicine” means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment.

WA LEGIS 61 (2021), 2021 Wash. Legis. Serv. Ch. 61 (S.S.H.B. 1148) (WEST)

There is no list of eligible professions, and no list of definitions in the statute to determine which professions are eligible for telehealth.

West Virginia

Chiropractic telehealth **is** permitted under West Virginia law.

“Telehealth services” means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include internet questionnaires, e-mail messages, or facsimile transmissions.

W. Va. Code Ann. § 30-1-26 (West)

“Health care practitioner” means a person authorized to practice under § 30-3-1 *et seq.*, § 30-3E-1 *et seq.*, § 30-4-1 *et seq.*, § 30-5-1 *et seq.*, § 30-7-1 *et seq.*, § 30-7A-1 *et seq.*, § 30-8-1 *et seq.*, § 30-10-1 *et seq.*, § 30-14-1 *et seq.*, § 30-16-1 *et seq.*, § 30-20-1 *et seq.*, § 30-20A-1 *et seq.*, § 30-21-1 *et seq.*, § 30-23-1 *et seq.*, § 30-26-1 *et seq.*, § 30-28-1 *et seq.*, § 30-30-1 *et seq.*, § 30-31-1 *et seq.*, § 30-32-1 *et seq.*, § 30-34-1 *et seq.*, § 30-35-1 *et seq.*, § 30-36-1 *et seq.*, § 30-37-1 *et seq.* and any other person licensed under this chapter that provides health care services.

W. Va. Code Ann. § 30-1-26 (West)

The primary responsibility and obligation of the West Virginia board of chiropractic is to protect the public.

W. Va. Code Ann. § 30-16-1 (West)

Chiropractors are licensed under § 30-16 *et seq.*, which means that they are able to practice telemedicine. Chiropractic telehealth **is most likely not** permitted under Wisconsin law.

A physician who uses telemedicine in the diagnosis and treatment of a patient located in this state shall be licensed to practice medicine and surgery by the medical examining board.

Wis. Admin. Code § 24.04

A medical license is required to practice telemedicine, so chiropractors are not able to practice it.

Chiropractic telehealth **is** permitted under Wyoming law.

Telehealth Practice. Practice occurs where the patient resides or receives services, regardless of means.

Wyo. Admin. Code 030.0001.11 § 2

There is a section dedicated to telehealth in the chiropractic regulations, indicating that chiropractors are able to practice telehealth.

Wisconsin

Wyoming

ⁱ Lauren Cranford, *Telemedicine vs. Telehealth: What's the Difference?* (May 1, 2020), <https://chironhealth.com/blog/telemedicine-vs-telehealth-whats-the-difference/>.