



INSTITUTE FOR JUSTICE
ARIZONA

April 24, 2020

VIA UPS

Honorable Doug Ducey
Governor of the State of Arizona
1700 W. Washington Street
Phoenix, AZ 85007

Dr. Cara Christ, M.D., M.S.
Director, Dep't of Human Services
150 N. 18th Avenue
Phoenix, AZ 85007

Re: Increasing access to telehealth services during COVID-19 pandemic.

Governor Ducey and Dr. Christ:

On behalf of the Institute for Justice (IJ), I write regarding telehealth services in Arizona. In light of the COVID-19 pandemic, you have already taken needed action to expand Arizonans' access to these services. Specifically, pursuant to the March 11 Declaration of Emergency¹ and March 20 ADHS Administrative Order 2020-01,² you permit healthcare profession regulatory boards to waive state licensing requirements and allow healthcare providers with out-of-state licenses to practice in Arizona. On March 25, in Executive Order 2020-15³ you expanded telehealth coverage. These are welcome measures, but there is more that can be done. **IJ therefore requests that you expand Administrative Order 2020-01 and Executive Order 2020-15 to increase access to telehealth services from health practitioners licensed anywhere in the United States.**

IJ is a national nonprofit organization that has worked to reduce and remove unreasonable occupational licensing requirements for nearly three decades, including in the health professions.⁴ IJ has had an office in Arizona for nearly 20 years and has worked closely with the Governor's office, the Legislature, and various state agencies to support and protect the right of all Arizonans to provide for themselves and care for their health free from unreasonable government interference.

We applaud the quick actions you have taken to increase access to healthcare and request another similar commonsense measure. As you know, telehealth services are safe and effective. Moreover, there is little reason to restrict qualified practitioners licensed in other states from providing their services to Arizonans, as your actions and Arizona's recent universal license recognition reform both demonstrate. It is not surprising, therefore, that the evidence suggests there is no reason to limit telehealth visits to in-state providers in the first instance.⁵

In fact, many states including Idaho,⁶ Florida,⁷ and Utah,⁸ have already waived their telehealth restrictions to allow their residents to seek telehealth services from doctors licensed anywhere in the nation.

It is not clear that out-of-state healthcare professionals are allowed to provide telehealth to Arizonans, however. Administrative Order 2020-01 allowed, but did not mandate, the waiver of in-state licensing requirements. And Paragraph 6 of Executive Order 2020-15 refers to telehealth services “provided by any Arizona licensed healthcare provider type,” rather than telehealth services more generally.

We thus respectfully recommend that you expand Administrative Order 2020-01 and Executive Order 2020-15 to expressly allow Arizona residents to utilize telehealth services from providers licensed anywhere in the United States. In light of the actions you have already taken, this is a small step that has the potential to pay large dividends. It will help understaffed hospitals and support the efforts of Arizonans to stay home. We also hope that you consider making this change permanent. We stand ready to assist you in any way we can. Please contact us directly if we can assist you.

Sincerely,



Paul Avelar
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cc via email:

Sen. Karen Fann
Senate President

Rep. Rusty Bowers
Speaker of the House

Sen. Kate Brophy McGee, Chair
Health and Human Services Committee

Rep. Nancy Barto, Chair
Health and Human Services Committee

Christina Corieri, Senior Policy Advisor to the Governor
Trista Guzman-Glover, Director of Boards and Commissions
Lauren Bouton, Director of Community and Stakeholder Engagement

¹ https://azgovernor.gov/sites/default/files/declaraton_0.pdf

² <https://www.azdhs.gov/documents/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/novel-coronavirus/adhs-admin-order-2020-01.pdf>.

³ https://azgovernor.gov/sites/default/files/eo_2020-15_expansion_of_telemedicine_0.pdf.

⁴ See, e.g., Plaintiffs’ Amended Complaint, *Tiwari v. Friedlander*, No. 3:19-cv-00884-JRA. (W.D. Ky. filed Jan. 17, 2020); *Garrett v. Tex. State Bd. or Pharmacy*, No. D-1-GN-19-003686 (Tex. Dist. Ct. Travis Cty. 98th Jud. Dist. filed June 27, 2019).

⁵ See Shirley V. Svorny, *Liberating Telemedicine Options to Eliminate the State-Licensing Roadblock*, Policy Analysis, (Nov. 15, 2017), <https://www.cato.org/publications/policy-analysis/liberating-telemedicine-options-eliminate-state-licensing-roadblock>.

⁶ https://bom.idaho.gov/BOMPortal/BOM/Procedures/board_of_medicine_proclamation_03-18-2020.pdf

⁷ <http://www.flhealthsource.gov/pdf/emergencyorder-20-002.pdf> (Broadly waiving telehealth licensure requirements); <https://www.flgov.com/wp-content/uploads/covid19/DOH%20EO%2020-003%203.21.2020.pdf> (extending waiver through May 8, 2020).

⁸ https://dopl.utah.gov/docs/Telehealth_Executive_Order.pdf; <https://dopl.utah.gov/covid19.html>