

Discussion item: bordering state exemption from licensure

Section 6526 of the Education Law provides for various exceptions for practicing medicine without a license. One of these, paragraph 2, provides an exemption for.

- “Any physician who is licensed in a bordering state and who resides near a border of this state, provided such practice is limited in this state to the vicinity of such border and provided such physician does not maintain an office or place to meet patients or receive calls within this state.”

This has been and continues to be interpreted as applying to an in-person interaction with a physician, with the reasoning that this provision of law was enacted well before the advent of contemporary telehealth technologies. However, recent events have led some stakeholders to question whether this interpretation could possibly be revised to reflect modern communication technologies.

What are other feasible interpretations of this law? What are the potential consequences of a reinterpretation of this provision? What interpretation would be most protective of the public?