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State of California—Health and Human Services Agency  
**California Department of Public Health**



EDMUND G. BROWN JR.  
*Governor*

August 3, 2011

AFL 11-33

**TO:** General Acute Care Hospitals  
Acute Psychiatric Hospitals  
Special Hospitals

**SUBJECT:** Telemedicine Providers

**AUTHORITY:** Title 22 California Code of Regulations Section 70701, 70703, 70705 (a), Business and Professions Code Section 2290.5, and Title 42 Code of Federal Regulations Section 482.12

The purpose of this letter is to clarify California law regarding the credentialing and privileging of physicians and practitioners providing telemedicine services.

In March 2011, CMS released a new rule which became effective July 5, 2011, concerning the credentialing of telemedicine providers. Title 42 of the Federal Code of Regulations Section 482.12 was amended to clarify that it is the responsibility of the governing body at the hospital furnishing the telemedicine services to meet and verify that specified credentialing and privileging has been performed. Additionally, this amendment allows the hospital that is receiving the telemedicine service to grant privileges to physicians and practitioners based on staff recommendations that rely on the information provided by the transmitting hospital.

However, Title 22 California Code of Regulations (CCR) Section 70701 requires the governing body of a hospital to appoint medical staff to establish appropriate standards that will ensure the competence and privileging of staff. Additionally, Title 22 (CCR) Section 70703 requires that each hospital have an organized medical staff responsible for the assignment of clinical privileges. Title 22 CCR Section 70705 (a) requires that each hospital verify that any physician wishing to practice in that hospital is licensed under the provisions of the Medical Practice Act.

The Medical Board of California (MBC) is the state agency which licenses and disciplines medical doctors and enforces the Medical Practice Act in the Business and Professions

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Code. According to the MBC website, telemedicine is seen as a tool in medical practice not a separate form of medicine. Physicians using telemedicine technologies to provide care to patients located in California must be licensed in California. This requirement is not impacted by the recent CMS change.

CDPH will continue to require each hospital to credential and privilege telemedicine providers in accordance with Title 22 requirements through the formal procedures contained in written by-laws for appropriately evaluating, credentialing, and privileging providers that are currently licensed to practice medicine in California.

For questions regarding this AFL, please contact Carol Turner with Licensing and Certification (L&C) at [carol.turner@cdph.ca.gov](mailto:carol.turner@cdph.ca.gov) or phone (916) 324-1261.

Sincerely,

**Original signed by Pamela Dickfoss**

Pamela Dickfoss  
Acting Deputy Director  
Center for Health Care Quality