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License Portability

*Enhanced Options and Evolving
Flexibility for Health Care Provider
Licensure*

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Agenda

- 1. License Portability and Why is it Important?**
- 2. Historical Barriers to License Portability**
- 3. Recent Enhancements to License Portability**
 - a. Licensure by Endorsement
 - b. Interstate License Compacts
 - c. Other Exceptions
- 4. The Future**
- 5. Questions**



License Portability

What is License Portability?

- The ability to use one's qualifications for licensure in one state to apply for licensure in another state

Why is License Portability important?

- Health care provider licenses are issued by individual states
- A state license allows a provider to practice only in the state that issued the license.
- To practice in any other state, a health care provider must generally obtain a license in the other state.



License Portability



Practice occurs where the patient is located

- **Place of Service** – historically, when a physician treats a patient, the physician is presumed to be licensed to practice medicine where the patient is located.
- Hence, if an Ohio provider engages in an encounter via telehealth with an Ohio patient who happens to be at Disney World in Orlando, generally speaking, that constitutes practice in Florida.



License Portability

Reasons a health care provider may want or need to obtain licensure in another state:

- **Relocation for personal or business reasons**
 - Permanent or temporary relocation
 - Full-time or part-time residence
- **Practice located near the border of another state**
- **To open a satellite office in another state**
- **To provide telehealth services to individuals residing in another state**



License Portability

Why do states care?

- Enforcement of practice standards
- Liability
- Service of legal documents
- Taxes



Barriers to License Portability



What barriers have existed in the past to stunt or deter health care providers' ability to get licensed in multiple states?

- **Confusion / fear of the unknown**
- **Inconsistent and burdensome processes**
- **Time consuming / prolonged delays**
- **Expenses / fees**
- **Unresponsive / unhelpful agencies, including failing to timely respond to emails / calls**



Barriers to License Portability

Why are there barriers?

- Practice is generally dictated by state law
- What's permissible in one state may not be in another
- Generally speaking, under the standards for licensure in many states, a state licensing agency or board will grant a license to an applicant licensed in another state only if the applicant's qualifications are substantially equivalent to the qualifications for licensure that the agency or board enforces in that state
 - E.g., 1 vs. 2 years of US or Canadian residency training for full licensure
 - E.g., some states have training certificates / residency licenses, while others do not require any licensure whatsoever, only acceptance to a program within that state



Barriers to License Portability



Potential danger

- Unwittingly practicing in a state without a license not only can lead to civil and administrative action (i.e. fines / overpayment recoupment and license discipline), but criminal too (unlicensed practice is oftentimes a felony offense)



Barriers to License Portability

Results of barriers

- Barriers result in a loss of income and opportunity for providers
- Barriers result in lower quality of care and reduce access to providers and specialists



Barriers to License Portability

Covid-19 impact

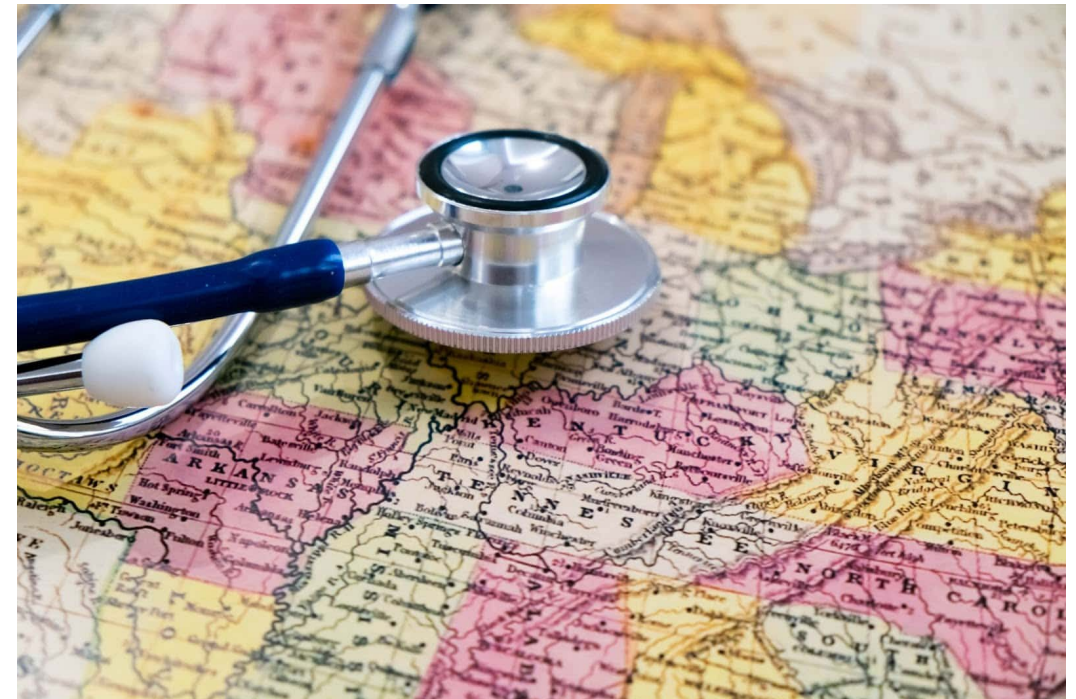
- One major benefit from Covid-19 was proliferation of telehealth and acceptance of the same by public at large
- States made emergency allowances for telehealth services, including some states allowing for portability of services across state lines
- Some of these laws began changing prior to the pandemic and then became more fine-tuned during Covid-19
 - For example, Florida enacted a law in 2019 that allowed providers licensed outside of Florida to provide telehealth services to clients residing in Florida if the provider registers with the Florida Department of Health, has a registered agent in Florida, and meets other requirements



Barriers to License Portability

Other influences

- Private equity investment in practices has caused growth across state lines
- Medical systems now traverse state licenses in much greater frequency
 - Cincinnati doctor now oftentimes licensed in OH, KY and IN
 - Philadelphia doctor might see patients in not only PA, but NJ, DE, MD too



Barriers to License Portability



Recent Developments

- Recent developments have made it somewhat easier for health care providers who are licensed in a state or U.S. territory to become licensed in other states
- Options and qualification requirements vary from state to state, though some streamlined processes now exist



Licensure by Endorsement

Licensure by Endorsement

- Licensure by examination is the most common pathway for individuals seeking initial licensure.
- Licensure by endorsement is the most common alternative to licensure by examination in Florida.



FLORIDA BOARD OF MEDICINE
MEDICAL DOCTOR LICENSURE APPLICATION
Apply for your license online at www.flboardofmedicine.gov



GENERAL INFORMATION

For a detailed list of licensure requirements, please visit www.flboardofmedicine.gov

Mailing Information:

Submit your application, fees, and any supplemental documentation you are sending with your application to the following address:

Department of Health
P.O. Box 6330
Tallahassee, Florida 32314-6330



Licensure by Endorsement



➤ Licensure by Endorsement

- Expedited licensure process.
- Allows a health care provider to become licensed in one state based on holding a substantially equivalent or similar health care professional license from another state.
- State specific – requirements may vary.



Licensure by Endorsement

Florida MOBILE Act

- **Mobile Opportunity by Interstate Licensure Endorsement Act (Section 45600145, Florida Statutes) enacted in 2024**
- **Uniform requirements for licensure by endorsement for all health care professions**
 - **Replaced existing provisions for professions that already allowed licensure by endorsement**
 - ✓ E.g. MD, RN/APRN, Midwife, Occupational Therapist, Physical Therapist, Pharmacist
 - **Created licensure by endorsement option for professionals that had none**
 - ✓ E.g. Osteopathic Physician, Chiropractor, Podiatrist, Dentist, Physician Assistant, Dentist



Licensure by Endorsement

Florida MOBILE Act Requirements

- **Active, unencumbered license issued by another state, the District of Columbia, or a territory of the United States in a profession with a similar scope of practice.**
- **“Scope of practice” defined as:**
 - Full spectrum of functions, procedures, actions and services that a health care practitioner is deemed competent and authorized to perform under a license issued in Florida
 - As determined by the applicable professional board (or by the DOH for professions that do not have a board)



Licensure by Endorsement



Florida MOBILE Act Requirements

- **Passing score on a national licensure examination or national certification recognized by the applicable professional board (or by the DOH for professions that do not have a board)**
- **For professions that do not require a national examination or national certification, applicable professional board (or the DOH for professions with no board) determines:**
 - Jurisdiction in which the applicant is currently licensed meets established minimum education requirements and,
 - Examination, work experience and clinical supervision requirements are substantially similar to the requirements for licensure in Florida (if applicable)

Licensure by Endorsement

Florida MOBILE Act Requirements

- **Must have actively practiced the profession for at least 3 years during the 4-year period immediately preceding the date of submission of the application.**
- **Must not have had disciplinary action in the 5 years immediately preceding the date of submission of the application.**
- **Must not be the subject of a disciplinary proceeding in any jurisdiction in which licensed, or by the U.S. Department of Defense, for reasons related to the practice of the profession**





Licensure by Endorsement

Florida MOBILE Act Requirements

- **If required by the specific profession:**
 - Must meet applicable financial responsibility requirements
 - ✓ *Medical Doctor, Osteopathic Physician, Advanced Practice Registered Nurse, Dentist, Chiropractic Physician, Podiatric Physician, Licensed Midwife, Acupuncturist, Anesthesiologist Assistant*
 - Must submit fingerprints for background screening
 - ✓ *Medical Doctor, Osteopathic Physician, Chiropractic Physician, Podiatric Physician, Nurse (LPN, RN, APRN), Athletic Trainer, Massage Therapist, Physician Assistant, Anesthesiologist Assistant, Certified Nursing Assistant, Orthotist, Prosthetist and Pedorthist.*
 - Must furnish specific information required for publication of profile on Department of Health website
 - ✓ *Medical Doctor, Osteopathic Physician, Chiropractic Physician, Podiatric Physician, APRN*
 - Must successfully complete a jurisdictional examination specific to state laws and rules regulating the profession.

Licensure by Endorsement



Florida MOBILE Act Requirements

- A person is ineligible for licensure by endorsement if he or she:
 - Has a complaint, an allegation or an investigation pending before a licensing entity in another state, the District of Columbia, or a territory of the U.S.
 - Has been convicted of, or plead nolo contendere to, any felony or misdemeanor related to the practice of a health care profession.
 - Has had a health care provider license revoked or suspended by another state, the District of Columbia, or a territory of the U.S., or has voluntarily surrendered any such license in lieu of disciplinary action.
 - Has been reported to the National Practitioner Data Bank (NPDB), unless the applicant has successfully appealed to have his or her name removed from the NPDB.



Interstate Compacts

An interstate compact is a formal agreement between two or more states that bind them to the provisions of the compact.

- Compacts are created to harmonize regulations among participating states, thereby providing participants an opportunity to join the compact and provide services within the participating states. Healthcare licensure compacts are set up to allow a person licensed to practice a profession in one state to be able to practice in any other state that has adopted the compact.
- Participating state boards retain their licensing and disciplinary authority, but agree to share information and processes essential to the licensing and regulation of physicians who cross state borders.
- Many health care professions have them, including medicine, nursing, and many others.



Interstate Compacts

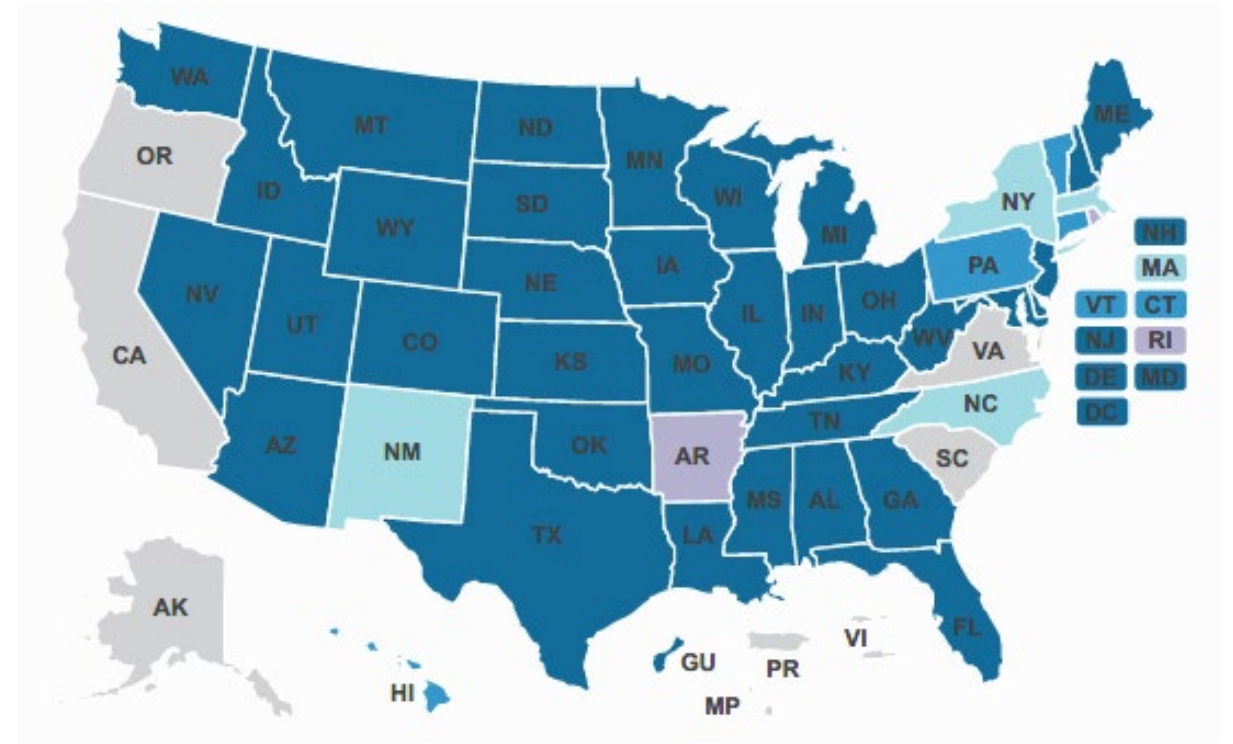
➤ **How it works**

- To participate in a compact, a provider would first need to register with the compact governing body or commission.
- The provider would then need to choose in which compact state(s) they would like to apply for a privilege to practice.
- The fee structure varies among the compacts but normally involves a standard fee to the commission plus an additional fee from the other compact state the provider wants to practice in, whether in-person or remotely.

Interstate Compacts - Medicine

➤ Interstate Medical Licensure Compact (IMLC)

- The IMLC currently has 37 states as members, plus Washington D.C. and the territory of Guam, though MI has begun process of withdrawing from the compact
- CT, HI, PA, and VT are not currently “States of Principal Licensure” (SPL). This means you can get a license issued for these states through the compact when you qualify through another SPL, but none of these states qualifies as an SPL for licensing in other states
- AR and RI have passed IMLC licensure legislation, but implementation is either in process or delayed
- States must pass legislation to join the IMLC, and several states currently have legislation related to the IMLC pending: MA; NC; NM; and NY
- Non-member states and territories: AK; CA; OR; SC; VA; Puerto Rico; and the US Virgin Islands



Interstate Compacts - Medicine

➤ **IMLC Eligibility Requirements:**

- **Must hold a full, unrestricted medical license in a compact-member state that is available to serve as the State of Principal Licensure (SPL)**
- **Must also meet at least one of the following:**
 1. Primary residence is in the SPL
 2. At least 25% of physician's practice occurs in the SPL
 3. Physician's employer is located in the SPL
 4. Provider uses the SPL as his/her state of residence for U.S. federal income tax purposes
- **Must maintain SPL status at all times, though provider may change the location of SPL through a process known as "redesignation"**



Interstate Compacts - Medicine



➤ **IMLC Eligibility Requirements Cont'd:**

- **Cannot have:**
 - ✓ Any history of disciplinary actions toward your medical license
 - ✓ Any criminal history
 - ✓ Any history of controlled substance actions toward your license
 - ✓ Not currently under investigation



Interstate Compacts - Medicine

- Please note that when using the IMLC, providers do not receive a single license to practice in multiple states. Rather, the provider is issued separate licenses by each state in which he/she would seek to practice
 - Each license is granted by, and comes from, the individual state – not the IMLC itself
- IMLC application fee is \$700
- Will also be required later to pay the licensing fee of each state in which you would like to practice



Interstate Compacts - Nursing

➤ **Nurse License Compact (NLC) and APRN Compact**

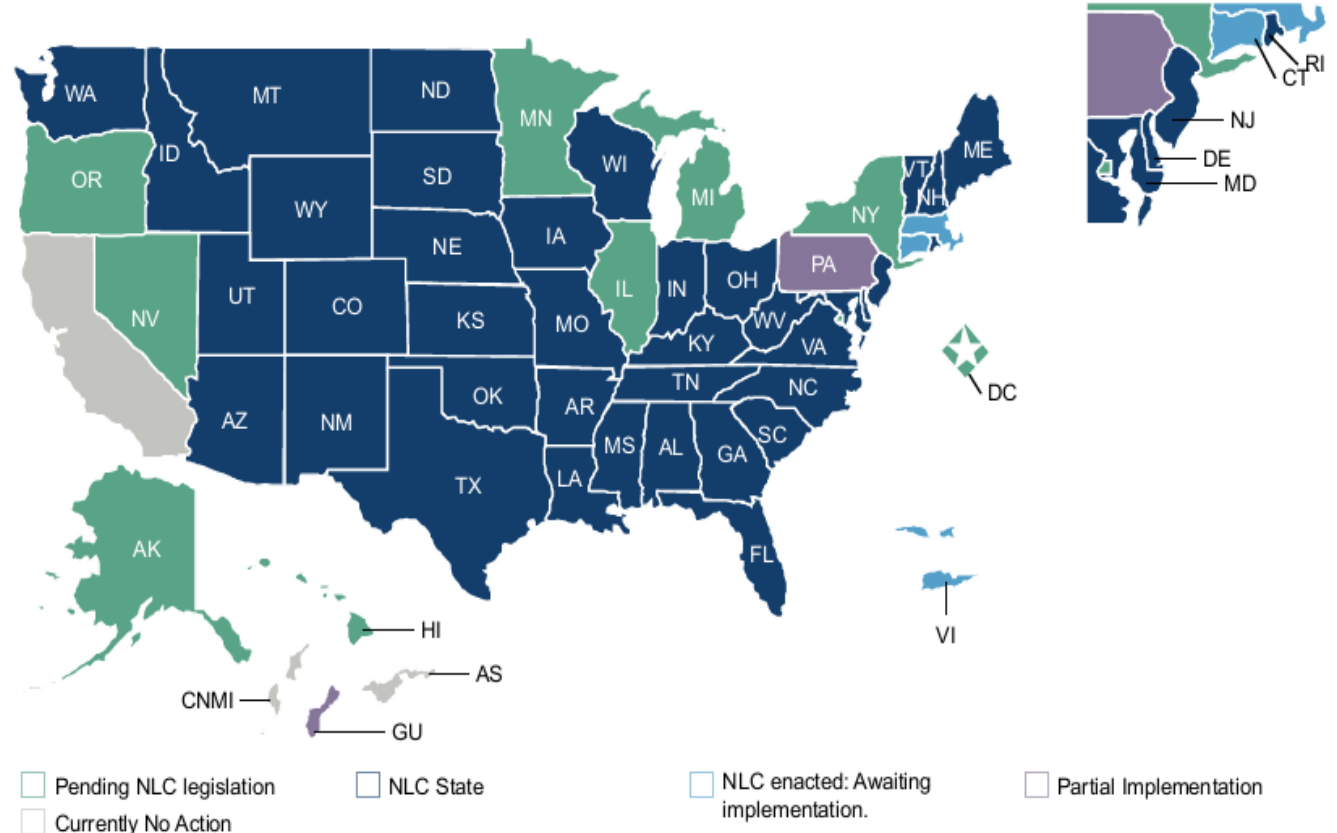
- These compacts facilitate multistate license that allows the nurse to practice in all compact states/territories with one license issued by the home state
- NLC pertains to RN and LPN licenses only



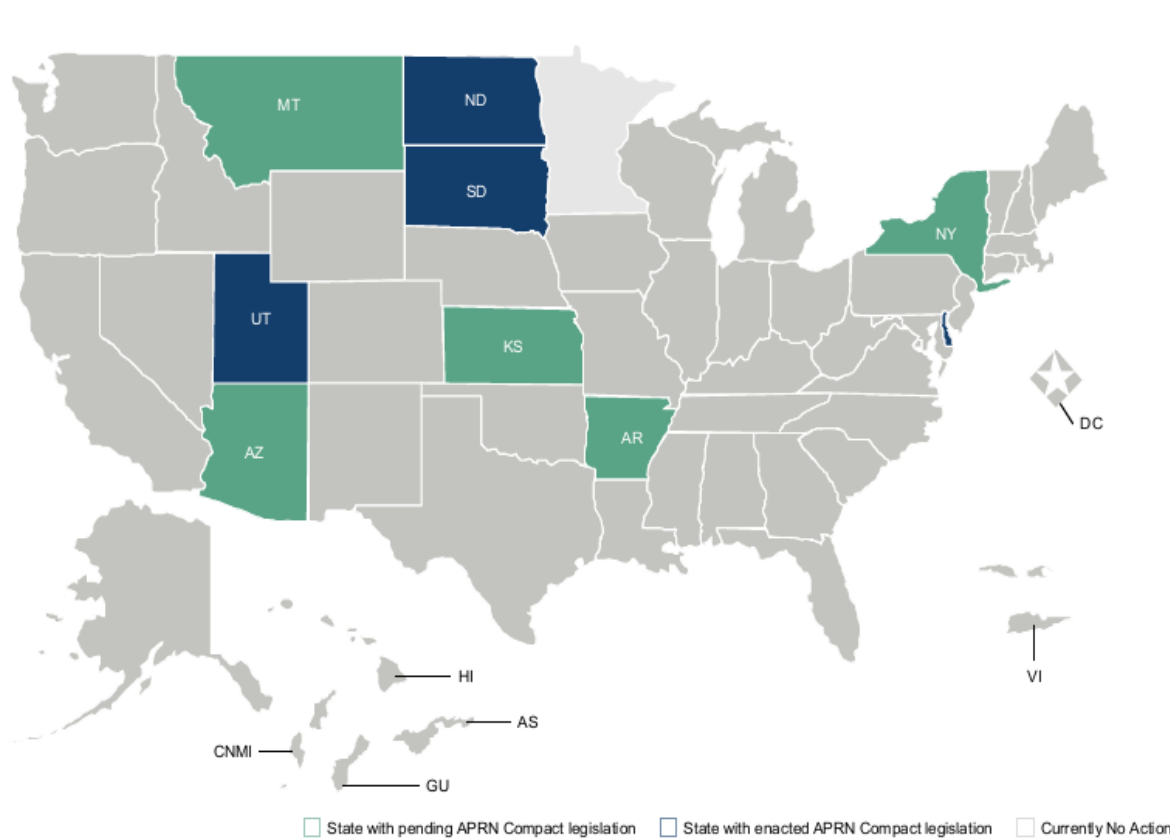
Interstate Compacts - Nursing

Nurse License Compact (NLC)

- **43 jurisdictions are currently part of the NLC**
- **Applying for a multistate license must be done through state nursing boards**
- **RNs and LPNs who live in a compact state and meet the uniform licensure requirements are eligible, including:**
 - Meets the requirements for licensure in the home state, including graduation from qualified school and passed NCLEX
 - Holds an active, unencumbered license
 - No prior felonies or misdemeanors related to practice of nursing
 - Not currently a participant in an alternative program



Interstate Compacts - Nursing



APRN Compact

- **The APRN Compact allows for APRNs with 2,080 hours or more of practice to have one multistate license in their home state, with the privilege to practice in other APRN Compact party states without obtaining additional licenses**
- **Mirrors NLC's eligibility requirements**
- **If state does not participate in APRN Compact, RN's with NLC license must hold an individual APRN license in each state of APRN practice.**

Interstate Compacts - Others

- **Allied and auxiliary health care workers**
 - Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)
 - Occupational Therapy Compact (OT compact)
 - Physical Therapy Compact (PT compact)
 - Psychology Interjurisdictional Compact (PSYPACT)
 - Emergency Medical Services Compact (EMS Compact)
 - And more...

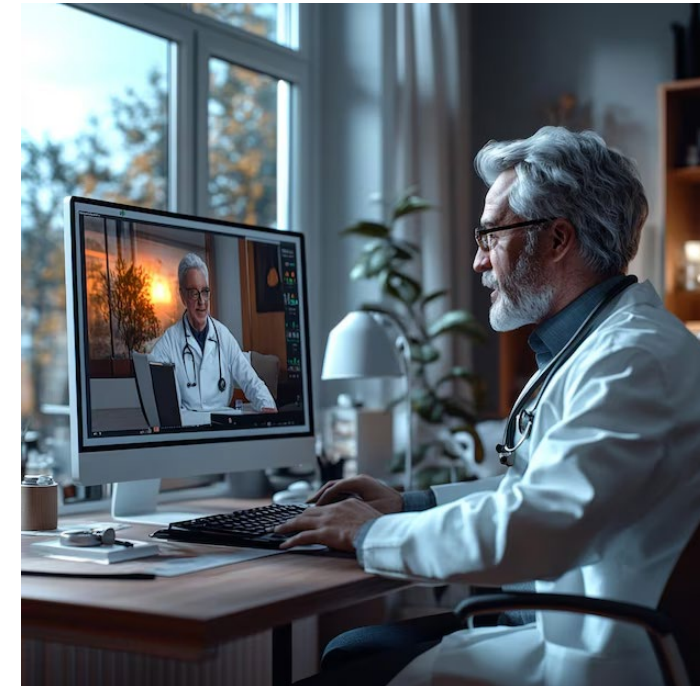


Licensure Exceptions

Consultations (Ohio)

- **Exception for “infrequent” consultations – a non-Ohio licensed physician may provide consultation regarding an Ohio patient to an Ohio physician if one of the following applies:**
 - a. Does not provide consultation in this state on a regular or frequent basis.
 - b. Provides the consultation without compensation of any kind.
 - c. The consultation is part of the curriculum of a medical school.

(ORC 4731.36(A)(3))



Licensure Exceptions

Consultations (Florida)

- **Practice of Medicine definition:** “Practice of medicine” means the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition. (Florida Statutes Section 458.305(3))
- **Above definition does not apply, and licensure requirements do not apply, to “any physician lawfully licensed in another state or territory or foreign country, when meeting duly licensed physicians of this state in consultation.”** (Florida Statutes Section 458.303(1)(b))
- **“Consultation” as used in Section 458.303(1)(b):**
 - ✓ Encompasses the actions of a physician lawfully licensed in another state, territory, or foreign country.
 - ✓ Such physician is permitted to examine the patient, take a history and physical, review laboratory tests and x-rays, and make recommendations to a physician duly licensed in this state with regard to diagnosis and treatment of the patient.
 - ✓ The term “consultation” does not include such physician’s performance of any medical procedure on or the rendering of treatment to the patient.



Licensure Exceptions



➤ **Ohio's contiguous state exception:**

- ✓ **A physician licensed in another state who has provided treatment to a patient in that state may provide follow-up treatment to said patient in Ohio in person or through the use of any communication, including oral, written, or electronic communication so long as it's for the same condition and occurs not later than one year after the last date of treatment**
- ✓ **A physician licensed in a state bordering Ohio, whose practice extends within the limits of this state, can render follow up care in Ohio so long as the doctor does not open an office or appoint a place to see patients or receive calls within the limits of this state**

(ORC 4731.36(A)(4) and (5))



Special Licenses

Public Health Emergencies

- **Georgia – Emergency Practice Permits – This license type is only offered during an event for which the Governor of the State of Georgia has issued an executive order declaring a disaster or a state of emergency.**
- **Numerous other states has some sort of emergency licensing process or waiver during Covid-19.**
 - Pathways were largely temporary (oftentimes facilitated per executive order) and most if not all have since lapsed.



Special Licenses



➤ Expedited Licensure

- Ohio – The State Medical Board of Ohio offers a concierge service for eligible MD & DO applicants. This enhanced, personalized service is provided by designated licensure staff and provides key application support, partnering with the applicant through the process toward a full medical license in Ohio.
- By choosing the expedited route, a designated staffer will provide key support services driving the application toward completion, such as obtaining the following items for the applicant: FSMB Disciplinary Report; AMA/AOA Physician Profile; and NPDB Report.
- Important to note:
 - ✓ Higher application fees (\$1000 vs. \$305)
 - ✓ Quicker turnaround
 - ✓ Higher eligibility requirements





Special Licenses (Ohio)

➤ Special Activity Certificate

- The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event or program for which the certificate is issued. A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program or event. The certificate may not be renewed.

➤ Charity care / Volunteer license

- The holder of a volunteer certificate may provide medical services only to indigent and uninsured persons. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. A volunteer certificate is valid for a period of three years.

➤ Clinical Research Faculty Certificate

- The holder of a clinical research faculty certificate may practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school. A clinical research faculty certificate is valid for up to three years.





Special Licenses (Florida)

➤ Medical Faculty Certificate

- Can only practice medicine in conjunction with a full time faculty position at an accredited medical school in Florida and its affiliated clinical facilities or teaching hospitals.

➤ Temporary Certificate for Practice in Area of Critical Need

- Can only practice in certain designated, approved facilities located in communities of Florida where there is a critical need for physicians as determined by the State Surgeon General.
- Certificate is valid only so long as the State Surgeon General determines that the reason for which it was issued remains a critical need to the state.

➤ Limited License

- Must have been licensed to practice medicine in any jurisdiction in the United States for at least 10 years.
- May practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of Section 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in the areas of critical medical need as determined by the Florida Board of Medicine.
- A physician who is not fully retired in all jurisdictions may use a limited license only for non-compensated practice.





Special Licenses Cont'd (Florida)

➤ Visiting Faculty Registration

- Medical care is to be rendered within a facility registered at an accredited medical school and its affiliated clinical facilities, at a teaching hospital that is registered with the Florida Board of Medicine or a statutory teaching hospital.
- Medical care or treatment must be limited to a single period of time, which may not exceed 180 consecutive days.
- No more than 3 physicians per year per institution may be registered under this registration provision, and an exemption may not be granted to a physician more than once in any given 5-year period.





Special Licenses Cont'd (Florida)

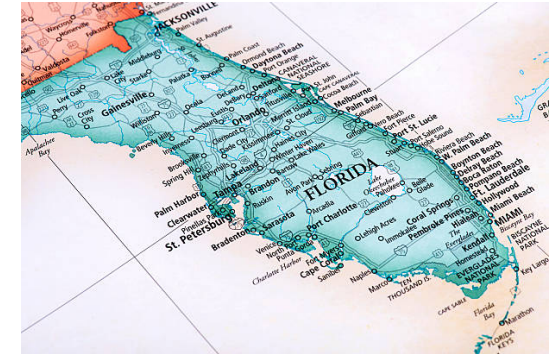
➤ Visiting Physician (Cancer Center)

- A medical doctor who has been accepted for a course of training by a cancer center approved by the Florida Board of Medicine may be issued a temporary certificate to practice under the International Cancer Center Visiting Physician Program.
- A certificate may be issued to a physician who will be training under the direct supervision of a physician employed by or under contract with an approved cancer center for a period of no more than 1 year.

➤ Visiting Physician (Plastic Surgery/Other)

- Temporary certificate to practice medicine for educational purposes to help teach plastic surgery or other medical or surgical procedures to residents in a training program affiliated with a medical school that is accredited by the ACGME or the AOA or that is part of a teaching hospital, or to residents of a medical school in Florida in conjunction with a nationally sponsored educational symposium or an educational symposium held by a state medical school or teaching hospital.
- Temporary certificate is valid for up to 5 days per year and expires 1 year after issuance
- The Florida Department of Health will not issue more than 12 temporary certificates for a single educational symposium under this section.

Special Licenses Cont'd (Florida)



➤ Public health Certificate

- May practice only in conjunction with employment duties with the Florida Department of Health
- Automatically expires when the holder's relationship with the Department is terminated.

➤ Public Psychiatry Certificate

- May work at any public mental health facility or program funded in part or entirely by state funds.

➤ Out-of-state Telehealth Provider Registration (not limited to physicians)

- Non-licensed health care professional may provide health care services to a patient located in Florida using telehealth if the health care professional registers with the applicable board (or the Florida Department of Health if there is no board), and provides health care services within the applicable scope of practice established by Florida law or rule.
- May not open an office nor provide in-person health care services to patients located in Florida.



The Future

- **What additional evolutions or developments may be on the horizon?**
 - Full and complete adoption of interstate licensing compacts.
 - Continued expansion of licensure through endorsement and other forms of reciprocity.
 - All states adopt uniform language to create uniform requirements.



QUESTIONS?



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