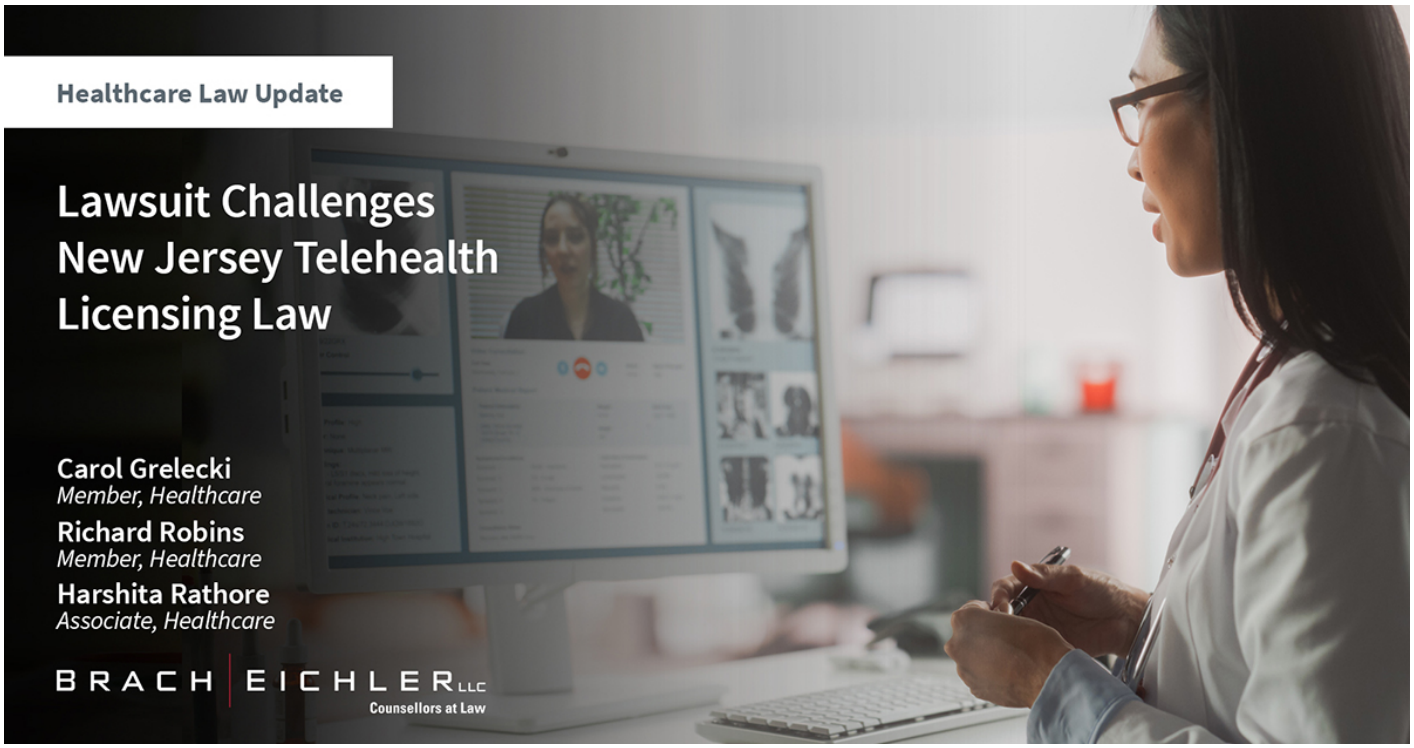
Lawsuit Challenges New Jersey Telehealth Licensing Law



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The State of New Jersey is facing a lawsuit in federal court claiming that New Jersey's out-of-state telehealth licensing law violates the constitutional rights of New Jersey residents seeking access to virtual care from out-of-state providers. Under New Jersey law, a practitioner must hold a New Jersey professional license in order to provide professional services for a patient in New Jersey, including via telehealth. During the COVID-19 pandemic, New Jersey, along with numerous other states, temporarily waived license requirements for out-of-sate providers, allowing practitioners who are licensed in another state but not in New Jersey to provide telehealth services to New Jersey residents. New Jersey rescinded many of these waivers following the expiration of the COVID-19 public health emergency.

The lawsuit was filed by several out-of-state specialist providers who do not hold New Jersey licenses and several of their patients who are New Jersey residents who began receiving telehealth care from the providers for chronic and/or serious conditions during the COVID-19 pandemic. According to the plaintiffs, New Jersey's telehealth laws restricting access to out-of-state providers violates the Dormant Commerce Clause and Privileges and Immunities Clause of the United States Constitution by placing an administrative and financial burden on physicians, especially specialists like plaintiff physicians, who have national practices and only occasionally treat patients from New Jersey. The plaintiffs also allege that the restrictions violate the First and Fourteenth Amendments of the United States Constitution by compelling patients to choose between frequent, costly travel for consultations or forgoing essential treatment.

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