College of American Pathologists Policy on

Licensure Requirements for Interstate Diagnosis, Including Interstate Telemedicine Practice

Public Policy ZZ

Policy Synopsis

Pathologists interpreting specimens, slides or images sent through interstate commerce should be licensed in the state where the patient presents for diagnosis, with the exception of an intraspeciality consultation.

Full Policy

The College of American Pathologists supports the right of each state, through licensure, to regulate the practice of medicine in order to protect the health and welfare of its citizens. CAP believes that a pathologist who engages in the interstate practice of pathology (including telepathology) and issues a pathology diagnosis that is contained in the patient’s medical record should have a full, unrestricted license to practice medicine from the state in which the patient presents for diagnosis or where the specimen is taken or image is made.

Definitions:

The interstate practice of pathology occurs whenever a patient specimen, including a specimen slide or a specimen image, is sent through interstate commerce or an interstate communication system, from the state in which the patient presents for diagnosis to another location outside the state. The patient is deemed to have presented for diagnosis within a state from which the specimen is obtained.

Telemedicine is the practice of medicine whereby diagnosis is achieved through digital or electronic communication technology whenever the physician is not in the physical presence of the patient.

Telepathology is the practice of anatomic or clinical pathology whereby diagnosis is enabled through digital or electronic communication technology whenever the pathologist is not in the physical presence of the patient’s specimen. Telepathology is the practice of the pathology component of telemedicine.
Explanatory Note:

**Intra-specialty consultation** from an out-of-state pathologist should not require in-state licensure provided that the consultation is at the request of a in-state pathologist licensed within the state and if the consultation is reflected in a pathology report issued by a in-state pathologist. Similarly, Pathologists examining specimens and/or slides from a case that has been previously reported, such as might occur when a patient is referred to a treatment center in another state, need only to be licensed by the state within which the examination occurs.