

FIRST REGULAR SESSION

HOUSE BILL NO. 710

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUCHHEIT-COURTWAY.

1756H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 191.1146 and 334.108, RSMo, and to enact in lieu thereof two new sections relating to telemedicine.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 191.1146 and 334.108, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 191.1146 and 334.108, to read as follows:

191.1146. 1. Physicians licensed under chapter 334 who use telemedicine shall
2 ensure that a properly established physician-patient relationship exists with the person who
3 receives the telemedicine services. The physician-patient relationship may be established by:

4 (1) An in-person encounter through a medical interview and physical examination;

5 (2) Consultation with another physician, or that physician's delegate, who has an
6 established relationship with the patient and an agreement with the physician to participate in
7 the patient's care; or

8 (3) A telemedicine encounter, if the standard of care does not require an in-person
9 encounter, and in accordance with evidence-based standards of practice and telemedicine
10 practice guidelines that address the clinical and technological aspects of telemedicine.

11 2. In order to establish a physician-patient relationship through telemedicine:

12 (1) The technology utilized shall be sufficient to establish an informed diagnosis as
13 though the medical interview and physical examination has been performed in person; and

14 (2) Prior to providing treatment, including issuing prescriptions or physician
15 certifications under Article XIV of the Missouri Constitution, a physician who uses
16 telemedicine shall interview the patient, collect or review relevant medical history, and
17 perform an examination sufficient for the diagnosis and treatment of the patient. ~~[A]~~ **Any**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 questionnaire completed by the patient, whether via the internet or telephone, **shall include**
19 **questions sufficient to elicit information as though the medical interview has been**
20 **performed in person. Any questionnaire that fails to elicit information as though the**
21 **medical interview has been performed in person** does not constitute an acceptable medical
22 interview and examination for the provision of treatment by telehealth.

334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment
2 through telemedicine, as defined in section 191.1145, or the internet, a physician shall
3 establish a valid physician-patient relationship as described in section 191.1146. This
4 relationship shall include:

5 (1) Obtaining a reliable medical history and performing a physical examination of the
6 patient, adequate to establish the diagnosis for which the drug is being prescribed and to
7 identify underlying conditions or contraindications to the treatment recommended or
8 provided;

9 (2) Having sufficient dialogue with the patient regarding treatment options and the
10 risks and benefits of treatment or treatments;

11 (3) If appropriate, following up with the patient to assess the therapeutic outcome;

12 (4) Maintaining a contemporaneous medical record that is readily available to the
13 patient and, subject to the patient's consent, to the patient's other health care professionals;
14 and

15 (5) Maintaining the electronic prescription information as part of the patient's medical
16 record.

17 2. The requirements of subsection 1 of this section may be satisfied by the prescribing
18 physician's designee when treatment is provided in:

19 (1) A hospital as defined in section 197.020;

20 (2) A hospice program as defined in section 197.250;

21 (3) Home health services provided by a home health agency as defined in section
22 197.400;

23 (4) Accordance with a collaborative practice agreement as ~~defined~~ **described** in
24 section 334.104;

25 (5) Conjunction with a physician assistant licensed pursuant to section 334.738;

26 (6) Conjunction with an assistant physician licensed under section 334.036;

27 (7) Consultation with another physician who has an ongoing physician-patient
28 relationship with the patient, and who has agreed to supervise the patient's treatment,
29 including use of any prescribed medications; or

30 (8) On-call or cross-coverage situations.

31 3. No health care provider, as defined in section 376.1350, shall prescribe any drug,
32 controlled substance, or other treatment to a patient based solely on an evaluation ~~over the~~

33 ~~telephone]~~ **via telemedicine**; except that, a physician or such physician's on-call designee, or
34 an advanced practice registered nurse, a physician assistant, or an assistant physician in a
35 collaborative practice arrangement with such physician, may prescribe any drug, controlled
36 substance, or other treatment that is within his or her scope of practice to a patient based
37 solely on a ~~[telephone]~~ **telemedicine** evaluation if a previously established and ongoing
38 physician-patient relationship exists between such physician and the patient being treated.

39 4. No health care provider shall prescribe any drug, controlled substance, or other
40 treatment to a patient based solely on an internet request or an internet questionnaire **that fails**
41 **to elicit or provide information as though the medical interview has been performed in**
42 **person as described in section 191.1146.**

✓