

FIRST REGULAR SESSION

# HOUSE BILL NO. 1098

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STEPHENS.

2070H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 191.1145, RSMo, and to enact in lieu thereof one new section relating to telehealth services.

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

Section A. Section 191.1145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.1145, to read as follows:

191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

(1) "Asynchronous store-and-forward transfer", the collection of a patient's relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;

(2) "Clinical staff", any health care provider licensed in this state;

(3) "Distant site", a site at which a health care provider is located while providing health care services by means of telemedicine;

(4) "Health care provider", as that term is defined in section 376.1350;

(5) "Originating site", a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

(6) "Telehealth" or "telemedicine", the delivery of health care services by means of information and communication technologies, **including audiovisual and audio-only technologies**, which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the

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 originating site and the health care provider is at the distant site. Telehealth or telemedicine  
19 shall also include the use of asynchronous store-and-forward technology. **The term**  
20 **"telehealth" or "telemedicine" shall not be limited only to services delivered via select**  
21 **third-party corporate platforms.**

22 2. Any licensed health care provider shall be authorized to provide telehealth services  
23 if such services are within the scope of practice for which the health care provider is licensed  
24 and are provided with the same standard of care as services provided in person. **The licensed**  
25 **health care provider shall establish a relationship with the patient who receives**  
26 **telehealth services in the same manner in which a physician establishes a physician-**  
27 **patient relationship under section 191.1146.** This section shall not be construed to prohibit  
28 a health carrier, as defined in section 376.1350, from reimbursing nonclinical staff for  
29 services otherwise allowed by law.

30 3. In order to treat patients in this state through the use of telemedicine or telehealth,  
31 health care providers shall be fully licensed to practice in this state and shall be subject to  
32 regulation by their respective professional boards.

33 4. Nothing in subsection 3 of this section shall apply to:

34 (1) Informal consultation performed by a health care provider licensed in another  
35 state, outside of the context of a contractual relationship, and on an irregular or infrequent  
36 basis without the expectation or exchange of direct or indirect compensation;

37 (2) Furnishing of health care services by a health care provider licensed and located in  
38 another state in case of an emergency or disaster; provided that, no charge is made for the  
39 medical assistance; or

40 (3) Episodic consultation by a health care provider licensed and located in another  
41 state who provides such consultation services on request to a physician in this state.

42 5. Nothing in this section shall be construed to alter the scope of practice of any  
43 health care provider or to authorize the delivery of health care services in a setting or in a  
44 manner not otherwise authorized by the laws of this state.

45 6. No originating site for services or activities provided under this section shall be  
46 required to maintain immediate availability of on-site clinical staff during the telehealth  
47 services, except as necessary to meet the standard of care for the treatment of the patient's  
48 medical condition if such condition is being treated by an eligible health care provider who is  
49 not at the originating site, has not previously seen the patient in person in a clinical setting,  
50 and is not providing coverage for a health care provider who has an established relationship  
51 with the patient.

52           7. Nothing in this section shall be construed to alter any collaborative practice  
53 requirement as provided in chapters 334 and 335.

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