

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 2824 & 1723, Page 8, Section 191.1145,  
2 Line 52, by inserting after all of said section and line the following:

3  
4 "191.1146. 1. Physicians licensed under chapter 334 who use telemedicine shall ensure that  
5 a properly established physician-patient relationship exists with the person who receives the  
6 telemedicine services. The physician-patient relationship may be established by:

7 (1) An in-person encounter through a medical ~~[interview]~~ evaluation and physical  
8 examination;

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

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

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

16 (1) The technology utilized shall be sufficient to establish an informed diagnosis as though  
17 the medical ~~[interview]~~ evaluation and, if required to meet the standard of care, the physical  
18 examination has been performed in person; and

19 (2) Prior to providing treatment, including issuing prescriptions or physician certifications  
20 under Article XIV of the Missouri Constitution, a physician who uses telemedicine shall ~~[interview]~~  
21 evaluate the patient, collect or review relevant medical history, and perform an examination  
22 sufficient for the diagnosis and treatment of the patient. ~~[A]~~ Any questionnaire completed by the  
23 patient, whether via the internet or telephone, shall include such information sufficient to provide  
24 the information as though the medical evaluation has been performed in person, otherwise such  
25 questionnaire does not constitute an acceptable medical ~~[interview]~~ evaluation and examination for  
26 the provision of treatment by telehealth.

27 3. Beginning January 1, 2027, no physician shall use an online or internet questionnaire to  
28 establish a physician-patient relationship through telemedicine.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           4. (1) Before January 1, 2027, the state board of registration for the healing arts shall  
 2 compile a list of all disciplinary actions taken against providers engaged in the use of online or  
 3 internet questionnaires to conduct medical evaluations under the provisions of this section.

4           (2) Before January 1, 2027, the state board of registration for the healing arts shall make  
 5 recommendations for the continued use of online or internet questionnaires to the general  
 6 assembly."; and

7  
 8 Further amend said bill, Page 14, Section 198.700, Line 50, by inserting after all of said section and  
 9 line the following:

10  
 11           "334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through  
 12 telemedicine, as defined in section 191.1145, or the internet, a physician shall establish a valid  
 13 physician-patient relationship as described in section 191.1146. This relationship shall include:

14           (1) Obtaining a reliable medical history and, if required to meet the standard of care,  
 15 performing a physical examination of the patient, adequate to establish the diagnosis for which the  
 16 drug is being prescribed and to identify underlying conditions or contraindications to the treatment  
 17 recommended or provided;

18           (2) Having sufficient [~~dialogue~~] exchange with the patient regarding treatment options and  
 19 the risks and benefits of treatment or treatments;

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

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

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

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

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

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

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

30           (4) Accordance with a collaborative practice agreement as [~~defined~~] described in section  
 31 334.104;

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

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

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

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

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

1 telephone; except that, a physician or such physician's on-call designee, or an advanced practice  
2 registered nurse, a physician assistant, or an assistant physician in a collaborative practice  
3 arrangement with such physician, may prescribe any drug, controlled substance, or other treatment  
4 that is within his or her scope of practice to a patient based solely on a telephone evaluation if a  
5 previously established and ongoing physician-patient relationship exists between such physician and  
6 the patient being treated.

7 4. No health care provider shall prescribe any drug, controlled substance, or other treatment  
8 to a patient ~~[based solely on an internet request or an internet questionnaire]~~ in the absence of an  
9 established physician-patient relationship as described in section 191.1146.

10 5. No health care provider shall prescribe any controlled substance to a patient whose  
11 physician-patient relationship with such provider was established through telemedicine."; and

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references  
14 accordingly.