

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 7, Page 23, Section
2 191.1145, 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 the patient's relevant medical history, and perform an
22 examination sufficient for the diagnosis and treatment of the patient. [A] Any questionnaire
23 completed by the patient, whether via the internet or telephone, shall be reviewed by the treating
24 health care professional, as defined in section 376.1350, and shall include such information
25 sufficient to provide the information as though the medical evaluation has been performed in person,
26 otherwise such questionnaire does not constitute an acceptable medical [interview] evaluation and
27 examination for the provision of treatment by telehealth; and

28 (3) Any provider that uses a questionnaire to establish a physician-patient relationship
29 through telemedicine shall be employed or contracted with a business entity that is licensed to
30 provide health care in this state.

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3. A health care provider, utilizing a medical evaluation questionnaire completed by the patient by way of the internet or telephone, shall provide a written report to the patient's primary health care provider within fourteen days of evaluation, if provided by the patient, that contains:

- (1) The identity of the patient;
- (2) The date of the evaluation;
- (3) The diagnosis and treatment provided, if any; and
- (4) Any further instructions provided to the patient."; and

Further amend said bill, Page 81, Section 332.760, Line 6, by inserting after all of said section and line the following:

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

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

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

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

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

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

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

(1) A hospital as defined in section 197.020;

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

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

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

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

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

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

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

1 3. No health care provider, as defined in section 376.1350, shall prescribe any drug,
2 controlled substance, or other treatment to a patient based solely on an evaluation ~~[over the~~
3 ~~telephone]~~ through telemedicine; except that, a physician or such physician's on-call designee, or an
4 advanced practice registered nurse, a physician assistant, or an assistant physician in a collaborative
5 practice arrangement with such physician, may prescribe any drug, controlled substance, or other
6 treatment that is within his or her scope of practice to a patient based solely on a ~~[telephone]~~
7 telemedicine evaluation if a previously established and ongoing physician-patient relationship exists
8 between such physician and the patient being treated.

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

12 5. Medical records of any drug, controlled substance, or other treatment prescribed through
13 telemedicine, as defined in section 191.1145, shall be collected, stored, and maintained in
14 accordance with the Health Insurance Portability and Accountability Act of 1996, which allows for
15 the sharing of protected health information for continuity of care between health care providers for
16 treatment, payment, and health care operations."; and

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.