

FIRST REGULAR SESSION

SENATE BILL NO. 418

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

1623S.01H

KRISTINA MARTIN, Secretary

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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 191.1146 and 334.108, to read as follows:

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

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

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

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

[A] Any questionnaire completed by the patient, whether via the internet or telephone, **shall include such information sufficient to provide the information as though the medical interview has been performed in person, otherwise such questionnaire** does not constitute an acceptable medical interview and examination for the provision of treatment by telehealth.

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 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 with the patient regarding treatment options and the risks and benefits of treatment or treatments;

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

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

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

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

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

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

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

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

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

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

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

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

41 3. No health care provider, as defined in section
42 376.1350, shall prescribe any drug, controlled substance, or
43 other treatment to a patient based solely on an evaluation
44 [over the telephone] **via telemedicine, as defined in section**
45 **191.1145;** except that, a physician or such physician's on-
46 call designee, or an advanced practice registered nurse, a

47 physician assistant, or an assistant physician in a
48 collaborative practice arrangement with such physician, may
49 prescribe any drug, controlled substance, or other treatment
50 that is within his or her scope of practice to a patient
51 based solely on a [telephone] **telemedicine** evaluation if a
52 previously established and ongoing physician-patient
53 relationship exists between such physician and the patient
54 being treated.

55 4. No health care provider shall prescribe any drug,
56 controlled substance, or other treatment to a patient based
57 solely on an internet request or an internet questionnaire,
58 **as described in section 191.1146.**

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