

HOUSE BILL No. 1263

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9.5.

Synopsis: Prescriptions and telemedicine. Sets forth requirements that must be met before a prescriber may prescribe medicine to a patient receiving telemedicine services.

Effective: July 1, 2016.

Kirchhofer

January 11, 2016, read first time and referred to Committee on Public Health.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1263

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 9.5. Telemedicine Services and Prescriptions**

5 **Sec. 1. As used in this chapter, "prescriber" means any of the**
6 **following:**

- 7 (1) **A physician licensed under IC 25-22.5.**
- 8 (2) **A physician assistant licensed under IC 25-27.5 and**
9 **granted the authority to prescribe by the physician assistant's**
10 **supervisory physician in accordance with IC 25-27.5-5-4.**
- 11 (3) **An advanced practice nurse licensed and granted the**
12 **authority to prescribe drugs under IC 25-23.**

13 **Sec. 2. (a) As used in this chapter, "telemedicine" means the**
14 **delivery of health care services using electronic communications**
15 **and information technology, including:**

- 16 (1) **secure videoconferencing; and**
- 17 (2) **interactive audio-using store and forward technology;**



1 between a health care provider in one (1) location and a patient in
2 another location.

3 (b) The term does not include use of the following:

- 4 (1) Audio-only communication.
5 (2) A telephone call.
6 (3) E-mail.
7 (4) An instant messaging conversation.
8 (5) Facsimile.

9 Sec. 3. (a) A prescriber may issue a prescription to a patient who
10 is receiving services through the use of telemedicine even if the
11 patient has not been seen previously by the prescriber in person if
12 the following conditions are met:

13 (1) The prescriber has done the following:

- 14 (A) Established a provider-patient relationship with the
15 patient.
16 (B) Satisfied the applicable standard of care in the
17 treatment of the patient.
18 (C) Generated and maintained a medical record for the
19 patient that indicates the prescription being prescribed.

20 (2) The issuance of the prescription by the provider is:

- 21 (A) within the prescriber's scope of practice and
22 certification; and
23 (B) in accordance with any applicable law or rule.

24 (3) The prescription is not for a controlled substance (as
25 defined in IC 35-48-1-9).

26 (b) To the extent a rule conflicts with this chapter, this chapter
27 is controlling.

