

HOUSE BILL No. 1284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-36-1-15; IC 25-1-9.5-8.

Synopsis: Telehealth services. Requires a health care provider who provides telehealth services to obtain written health care consent for the provision of telehealth services. Requires a prescriber who provides telehealth services to a patient to conduct certain components of a physical examination and document the results in the patient's medical record. Allows a prescriber to issue a prescription for a controlled substance to a patient: (1) who is receiving services through the use of telehealth; and (2) who has been previously examined by the prescriber in person. Creates an exception by allowing a prescriber who specializes in psychiatry to issue a prescription for a controlled substance to a patient who is receiving psychiatric services through the use of telehealth.

Effective: July 1, 2022.

Ledbetter, Vermilion, Fleming

January 10, 2022, read first time and referred to Committee on Public Health.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1284

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-36-1-15, AS AMENDED BY P.L.85-2021,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 15. A health care provider (as defined in
4 IC 16-18-2-163(a)) ~~may not be required to obtain a separate additional~~
5 **who provides telehealth services shall obtain** written health care
6 consent for the provision of telehealth services.

7 SECTION 2. IC 25-1-9.5-8, AS AMENDED BY P.L.85-2021,
8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2022]: Sec. 8. (a) A prescriber may issue a prescription to a
10 patient who is receiving services through the use of telehealth if the
11 patient has not been examined previously by the prescriber in person
12 if the following conditions are met:

- 13 (1) The prescriber has satisfied the applicable standard of care in
14 the treatment of the patient.
- 15 (2) The issuance of the prescription by the prescriber is within the
16 prescriber's scope of practice and certification.
- 17 (3) The prescription:



- 1 (A) meets the requirements of subsection (b); and
 2 (B) is not for an opioid. However, an opioid may be prescribed
 3 if the opioid is a partial agonist that is used to treat or manage
 4 opioid dependence.
- 5 (4) The prescription is not for an abortion inducing drug (as
 6 defined in IC 16-18-2-1.6).
- 7 (5) If the prescription is for a medical device, including an
 8 ophthalmic device, the prescriber must use telehealth technology
 9 that is sufficient to allow the provider to make an informed
 10 diagnosis and treatment plan that includes the medical device
 11 being prescribed. However, a prescription for an ophthalmic
 12 device is also subject to the conditions in section 13 of this
 13 chapter.
- 14 **(6) The prescriber has:**
- 15 **(A) conducted the components of a physical examination**
 16 **specified in the ICD-10-CM Official Guidelines for Coding**
 17 **and Reporting published by the United States Department**
 18 **of Health and Human Services; and**
- 19 **(B) documented the results of the examination in the**
 20 **patient's medical record.**
- 21 (b) Except as provided in subsection ~~(a)~~, **(c)**, a prescriber may issue
 22 a prescription for a controlled substance (as defined in IC 35-48-1-9)
 23 to a patient who is receiving services through the use of telehealth ~~even~~
 24 ~~if the patient has not~~ **and has** been examined previously by the
 25 prescriber in person, if the following conditions are met:
- 26 (1) The prescriber maintains a valid controlled substance
 27 registration under IC 35-48-3.
- 28 (2) The prescriber meets the conditions set forth in 21 U.S.C. 829
 29 et seq.
- 30 (3) A practitioner acting in the usual course of the practitioner's
 31 professional practices issues the prescription for a legitimate
 32 medical purpose.
- 33 (4) The telehealth communication is conducted using an
 34 audiovisual, real time, two-way interactive communication
 35 system.
- 36 (5) The prescriber complies with the requirements of the
 37 INSPECT program (IC 25-26-24).
- 38 (6) All other applicable federal and state laws are followed.
- 39 **(c) A prescriber who specializes in psychiatry may issue a**
 40 **prescription for a controlled substance (as defined in IC 35-48-1-9)**
 41 **to a patient who is receiving psychiatric services through the use of**
 42 **telehealth, regardless of whether the patient has been examined**



1 **previously by the prescriber in person.**
2 ~~(e)~~ **(d)** A prescription for a controlled substance under this section
3 must be prescribed and dispensed in accordance with IC 25-1-9.3 and
4 IC 25-26-24.

