

SENATE BILL NO. 931

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

3866S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 191.1145, RSMo, and to enact in lieu thereof one new section relating to telehealth services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 191.1145, RSMo, is repealed and one
2 new section enacted in lieu thereof, to be known as section
3 191.1145, to read as follows:

191.1145. 1. As used in sections 191.1145 and
2 191.1146, the following terms shall mean:

3 (1) "Asynchronous store-and-forward transfer", the
4 collection of a patient's relevant health information and
5 the subsequent transmission of that information from an
6 originating site to a health care provider at a distant site
7 without the patient being present;

8 (2) "Clinical staff", any health care provider
9 licensed in this state;

10 (3) "Distant site", a site at which a health care
11 provider is located while providing health care services by
12 means of telemedicine;

13 (4) "Health care provider", as that term is defined in
14 section 376.1350;

15 (5) "Originating site", a site at which a patient is
16 located at the time health care services are provided to him
17 or her by means of telemedicine. For the purposes of
18 asynchronous store-and-forward transfer, originating site

19 shall also mean the location at which the health care
20 provider transfers information to the distant site;

21 (6) "Telehealth" or "telemedicine", the delivery of
22 health care services by means of information and
23 communication technologies, **including audiovisual and audio-**
24 **only technologies**, which facilitate the assessment,
25 diagnosis, consultation, treatment, education, care
26 management, and self-management of a patient's health care
27 while such patient is at the originating site and the health
28 care provider is at the distant site. Telehealth or
29 telemedicine shall also include the use of asynchronous
30 store-and-forward technology. **Health care providers shall**
31 **not be limited in choice of electronic platforms used to**
32 **deliver telehealth or telemedicine; provided, that all**
33 **services delivered are in accordance with the federal Health**
34 **Insurance Portability and Accountability Act of 1996, as**
35 **amended.**

36 2. Any licensed health care provider shall be
37 authorized to provide telehealth services if such services
38 are within the scope of practice for which the health care
39 provider is licensed and are provided with the same standard
40 of care as services provided in person. This section shall
41 not be construed to prohibit a health carrier, as defined in
42 section 376.1350, from reimbursing nonclinical staff for
43 services otherwise allowed by law.

44 3. In order to treat patients in this state through
45 the use of telemedicine or telehealth, health care providers
46 shall be fully licensed to practice in this state and shall
47 be subject to regulation by their respective professional
48 boards.

49 4. Nothing in subsection 3 of this section shall apply
50 to:

51 (1) Informal consultation performed by a health care
52 provider licensed in another state, outside of the context
53 of a contractual relationship, and on an irregular or
54 infrequent basis without the expectation or exchange of
55 direct or indirect compensation;

56 (2) Furnishing of health care services by a health
57 care provider licensed and located in another state in case
58 of an emergency or disaster; provided that, no charge is
59 made for the medical assistance; or

60 (3) Episodic consultation by a health care provider
61 licensed and located in another state who provides such
62 consultation services on request to a physician in this
63 state.

64 5. Nothing in this section shall be construed to alter
65 the scope of practice of any health care provider or to
66 authorize the delivery of health care services in a setting
67 or in a manner not otherwise authorized by the laws of this
68 state.

69 6. No originating site for services or activities
70 provided under this section shall be required to maintain
71 immediate availability of on-site clinical staff during the
72 telehealth services, except as necessary to meet the
73 standard of care for the treatment of the patient's medical
74 condition if such condition is being treated by an eligible
75 health care provider who is not at the originating site, has
76 not previously seen the patient in person in a clinical
77 setting, and is not providing coverage for a health care
78 provider who has an established relationship with the
79 patient. **Health care providers shall not be limited in**
80 **choice of electronic platform used to deliver telehealth or**
81 **telemedicine.**

82 7. Nothing in this section shall be construed to alter
83 any collaborative practice requirement as provided in
84 chapters 334 and 335.

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