

An Act

ENROLLED SENATE
BILL NO. 726

By: Griffin of the Senate

and

Mulready of the House

An Act relating to telemedicine; defining terms; authorizing certain physician-patient relationships established through telemedicine; providing confidentiality standards; prohibiting telemedicine encounters to prescribe certain drugs; establishing physician-patient relationship when certain criteria are met; providing for codification; and providing an effective date.

SUBJECT: Telemedicine

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 478 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Store and forward technologies" means the transmission of a patient's medical information from an originating site to the physician or practitioner at the distant site; provided, photographs visualized by a telecommunications system shall be specific to the patient's medical condition and adequate for furnishing or confirming a diagnosis or treatment plan;

2. "Telemedicine" means the practice of health care delivery, diagnosis, consultation, evaluation and treatment, transfer of medical data or exchange of medical education information by means of a two-way, real-time interactive communication, not to exclude store and forward technologies, between a patient and a physician with access to and reviewing the patient's relevant clinical information prior to the telemedicine visit.

"Telemedicine" and "store and forward technologies" shall not include consultations provided by telephone audio-only communication, electronic mail, text message, instant messaging conversation, website questionnaire, nonsecure video conference or facsimile machine.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 478.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise prohibited by law, a valid physician-patient relationship may be established by an allopathic or osteopathic physician with a patient located in this state through telemedicine, provided that the physician:

1. Holds a license to practice medicine in this state;
2. Confirms with the patient the patient's identity and physical location; and
3. Provides the patient with the treating physician's identity and professional credentials.

B. Telemedicine and store and forward technology encounters shall comply with the Health Insurance Portability and Accountability Act of 1996 and ensure that all patient communications and records are secure and confidential.

C. Telemedicine encounters and encounters involving store and forward technologies in this state shall not be used to establish a valid physician-patient relationship for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, but may be used to prescribe opioid antagonists or

partial agonists pursuant to Sections 1-2506.1 and 1-2506.2 of Title 63 of the Oklahoma Statutes.

D. A physician-patient relationship shall not be created solely based on the receipt of patient health information by a physician. The duties and obligations created by a physician-patient relationship shall not apply until the physician affirmatively:

1. Undertakes to diagnose and treat the patient; or
2. Participates in the diagnosis and treatment of the patient.

SECTION 3. This act shall become effective November 1, 2017.

Passed the Senate the 3rd day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____