



2020 South Dakota Legislature
House Bill 1005
ENROLLED

AN ACT

ENTITLED An Act to revise certain provisions regarding the use of telehealth technologies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-52-1 be AMENDED:

34-52-1. Definitions.

Terms used in this chapter mean:

- (1) "Health care professional," as defined in § 58-17F-1;
- (2) "Health care facility," any office or institution where health services are provided, including any hospital, clinic, ambulatory surgery center, outpatient care facility, nursing home, assisted living facility, laboratory, or office of a health care professional;
- (3) "Originating site," a site where a patient is located at the time health care services are delivered to the patient via telehealth;
- (4) "Store-and-forward technology," secure electronic information, imaging, or data, including audio, video, and data communication that is transferred or recorded or otherwise stored for asynchronous delivery of health care services to a patient; and
- (5) "Telehealth," the use of secure electronic information, imaging, and communication technologies by a health care professional to deliver health care services to a patient, including interactive audio-video, interactive audio with store and forward, store-and-forward technology, and remote patient monitoring. Telehealth does not include the delivery of health care services through electronic means under the provisions of chapter 27A-10, or the delivery of health care services through an audio-only telephone, electronic mail message, text message, mail service, facsimile transmission, or any combination thereof.

Section 2. That § 34-52-6 be AMENDED:

34-52-6. Prescribing drugs.

Without a proper provider-patient relationship, a health care professional using telehealth may not prescribe a controlled drug or substance, as defined by § 34-20B-3, solely in response to an internet questionnaire or consult, including any encounter via telephone.

An Act to revise certain provisions regarding the use of telehealth technologies.

I certify that the attached Act originated in the:

House as Bill No. 1005

Received at this Executive Office this ____ day of _____,

2020 at _____ M.

By _____
Chief Clerk for the Governor

Speaker of the House
The attached Act is hereby approved this ____ day of _____, A.D., 2020

Attest:

Chief Clerk **STATE OF SOUTH DAKOTA,** Governor
Office of the Secretary of State ss.

President of the Senate
Filed _____, 2020
at _____ o'clock __M.

Attest:

Secretary of the Senate Secretary of State

House Bill No. 1005
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State