

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1923, Page 1, Section 191.1145, Lines 1 through 9, by deleting all of said  
2 lines and inserting in lieu thereof the following:

3  
4 "191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

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

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

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

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

12 (5) "Originating site", a site at which a patient is located at the time health care services are  
13 provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-  
14 forward transfer, originating site shall also mean the location at which the health care provider  
15 transfers information to the distant site;

16 (6) "Telehealth" or "telemedicine", the delivery of health care services by means of  
17 information and communication technologies which facilitate the assessment, diagnosis,  
18 consultation, treatment, education, care management, and self-management of a patient's health care  
19 while such patient is at the originating site and the health care provider is at the distant site.

20 Telehealth or telemedicine shall also include the use of asynchronous store-and-forward  
21 technology."; and

22  
23 Further amend said bill, page, and section, Line 12, by deleting the word "under" and inserting in  
24 lieu thereof the word "with"; and

25  
26 Further amend said bill, page, and section, Line 13, by inserting after all of said line the following:

27  
28 "3. Health care providers treating patients in this state through the use of telemedicine or  
29 telehealth shall be fully licensed to practice in this state and shall be subject to regulation by their  
30 respective professional boards.

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

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

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

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 assistance; or

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

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

7 6. No originating site for services or activities provided under this section shall be required  
8 to maintain immediate availability of on-site clinical staff during the telehealth services, except as  
9 necessary to meet the standard of care for the treatment of the patient's medical condition if such  
10 condition is being treated by an eligible health care provider who is not at the originating site, has  
11 not previously seen the patient in person in a clinical setting, and is not providing coverage for a  
12 health care provider who has an established relationship with the patient.

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

15 191.1146. 1. Physicians licensed under chapter 334 who use telemedicine shall ensure that  
16 a properly established physician-patient relationship exists with the person who receives the  
17 telemedicine services. The physician-patient relationship may be established by:

18 (1) An in-person encounter through a medical interview and physical examination;

19 (2) Consultation with another physician, or that physician's delegate, who has an established  
20 relationship with the patient and an agreement with the physician to participate in the patient's care;  
21 or

22 (3) A telemedicine encounter, if the standard of care does not require an in-person  
23 encounter, and in accordance with evidence-based standards of practice and telemedicine practice  
24 guidelines that address the clinical and technological aspects of telemedicine.

25 2. In order to establish a physician-patient relationship through telemedicine:

26 (1) The technology utilized shall be sufficient to establish an informed diagnosis as though  
27 the medical interview and physical examination has been performed in person; and

28 (2) Prior to providing treatment, including issuing prescriptions, a physician who uses  
29 telemedicine shall interview the patient, collect or review relevant medical history, and perform an  
30 examination sufficient for the diagnosis and treatment of the patient. A questionnaire completed by  
31 the patient, whether through the internet or telephone, does not constitute an acceptable medical  
32 interview and examination for the provision of treatment by telehealth."; and

33  
34 Further amend said bill, Page 2, Section 208.670, Line 4 by deleting the words "or "telemedicine"";  
35 and

36  
37 Further amend said bill, page, and section, Lines 5 through 6, by deleting the words "shall have the  
38 same meaning ascribed to it as in section 191.1145" and inserting in lieu thereof the following:

39  
40 "the delivery of health care services by means of information and communication  
41 technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care  
42 management, and self-management of a patient's health care while such patient is at the originating  
43 site and the health care provider is at the distant site. Telehealth or telemedicine shall also include  
44 the use of asynchronous store-and-forward technology for orthopedics, dermatology, ophthalmology  
45 and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require  
46 a diagnosis, and maternal-fetal medicine ultrasounds"; and

47  
48 Further amend said bill, page, and section, Line 9, by deleting the words "generally and"; and

1  
2 Further amend said bill, page, and section, Line 11, by deleting the words "if services are provided  
3 under MO HealthNet"; and  
4

5 Further amend said bill, page, and section, Lines 14 through 16, by deleting all of said lines and  
6 inserting in lieu thereof the following:  
7

8 "3. Telehealth may be utilized to service individuals who are qualified as MO HealthNet  
9 participants under Missouri law. Reimbursement for such services shall be made in the same way as  
10 reimbursement for in-person contacts."; and  
11

12 Further amend said bill, page, and section, Line 18, by inserting immediately after the word  
13 "telehealth" the words "in the MO HealthNet program"; and  
14

15 Further amend said bill and page, Section 208.671, Line 10, by deleting the second instance of the  
16 word "that" and inserting in lieu thereof the word "which"; and  
17

18 Further amend said bill and section, Page 3, Line 22, by deleting the words "patient is" and inserting  
19 in lieu thereof the words "MO HealthNet participant"; and  
20

21 Further amend said bill, page, and section, Lines 24 through 31, by deleting all of said lines and  
22 inserting in lieu thereof the following:  
23

24 "(7) "Provider", any provider of medical, mental health, optometric, or dental health  
25 services, including all other medical disciplines, licensed in this state who has the authority to refer  
26 patients for medical, mental health, optometric, or dental health services within the scope of practice  
27 and licensure of the provider;  
28

29 (8) "Telehealth", as that term is defined in section 191.1145;"; and  
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31 Further amend said bill, page, and section, Line 41, by inserting immediately after the word  
32 "telehealth" the words "in the MO HealthNet program"; and  
33

34 Further amend said bill, page, and section, Lines 55 through 56, by deleting the words "to patients  
35 under the MO HealthNet program"; and  
36

37 Further amend said bill and section, Page 4, Line 62, by deleting all of said line and inserting in lieu  
38 thereof the following:  
39

40 "be utilized to service individuals who are qualified as MO HealthNet participants under  
41 Missouri law. The total payment"; and  
42

43 Further amend said bill and page, Section 208.673, Line 3, by inserting immediately after the word  
44 "services" the words "in the MO HealthNet program"; and  
45

46 Further amend said bill, page, and section, Line 8, by deleting the word "telemedicine" and inserting  
47 in lieu thereof the words "telehealth medicine"; and  
48

49 Further amend said bill, page, and section, Line 11, by deleting the word "telemedicine" and

1 inserting in lieu thereof the words "telehealth medicine"; and

2  
3 Further amend said bill, page, and section, Line 13, by deleting the word "and"; and

4  
5 Further amend said bill, page, and section, Line 15, by deleting all of said line and inserting in lieu  
6 thereof the following:

7  
8 "rural health clinic; and

9 (9) A psychologist or a physician who specializes in psychiatry licensed to practice in this  
10 state."; and

11  
12 Further amend said bill, page, and section, Line 16, by deleting the number "(8)" and inserting in  
13 lieu thereof the number "(9)"; and

14  
15 Further amend said bill, page, and section, Line 19, by deleting all of said line and inserting in lieu  
16 thereof the following:

17  
18 "terms, three members to serve two-year terms, and two members to serve a one-year term  
19 as"; and

20  
21 Further amend said bill, Page 5, Section 208.675, Line 1, by inserting immediately after the word  
22 "services" the words "in the MO HealthNet program"; and

23  
24 Further amend said bill, page, and section, Line 11, by inserting after all of said line the following:

25  
26 "(9) Optometrists"; and

27  
28 Further amend said bill, page, and section, by renumbering subsequent subdivisions accordingly;  
29 and

30  
31 Further amend said bill, page, and section, Line 13, by deleting the number "(9)" and inserting in  
32 lieu thereof the number "(10)"; and

33  
34 Further amend said bill and page, Section 208.677, Line 1, by inserting immediately after the word  
35 "services" the words "in the MO HealthNet program"; and

36  
37 Further amend said bill, page, and section, Line 2, by deleting the word "patient" and inserting in  
38 lieu thereof the words "MO HealthNet participant"; and

39  
40 Further amend said bill, page, and section, Lines 3 through 8, by deleting all of said lines and  
41 inserting in lieu thereof the following:

42  
43 "service is located for the encounter. The standard of care in the practice of telehealth shall  
44 be the same as the standard of care for services provided in person. An originating site shall be one  
45 of the following locations."; and

46  
47 Further amend said bill and section, Page 6, Lines 22 and 23, by deleting the words "Missouri-  
48 licensed" and inserting in lieu thereof the words "Missouri licensed"; and

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2 Further amend said bill, Page 7, Section 208.686, Line 27, by deleting the word "or"; and

3  
4 Further amend said bill, page, and section, Line 28, by deleting all of said line and inserting in lieu  
5 thereof the following:

6  
7 "g. A documented history of care access challenges; or

8 h. A documented history of consistently missed appointments with health care providers;";

9 and

10  
11 Further amend said bill and section, Page 8, Line 52, by inserting after all of said section and line  
12 the following:

13  
14 "334.108. 1. Prior to prescribing any drug, controlled substance, or other treatment through  
15 telemedicine, as defined in section 191.1145, or the internet, a physician shall establish a valid  
16 physician-patient relationship as described in section 191.1146. This relationship shall include:

17 (1) Obtaining a reliable medical history and performing a physical examination of the  
18 patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify  
19 underlying conditions or contraindications to the treatment recommended or provided;

20 (2) Having sufficient dialogue with the patient regarding treatment options and the risks and  
21 benefits of treatment or treatments;

22 (3) If appropriate, following up with the patient to assess the therapeutic outcome;

23 (4) Maintaining a contemporaneous medical record that is readily available to the patient  
24 and, subject to the patient's consent, to the patient's other health care professionals; and

25 (5) [Including] Maintaining the electronic prescription information as part of the patient's  
26 medical record.

27 2. The requirements of subsection 1 of this section may be satisfied by the prescribing  
28 physician's designee when treatment is provided in:

29 (1) A hospital as defined in section 197.020;

30 (2) A hospice program as defined in section 197.250;

31 (3) Home health services provided by a home health agency as defined in section 197.400;

32 (4) Accordance with a collaborative practice agreement as defined in section 334.104;

33 (5) Conjunction with a physician assistant licensed pursuant to section 334.738;

34 (6) Conjunction with an assistant physician licensed under section 334.036;

35 (7) Consultation with another physician who has an ongoing physician-patient relationship  
36 with the patient, and who has agreed to supervise the patient's treatment, including use of any  
37 prescribed medications; or

38 ~~[(7)]~~ (8) On-call or cross-coverage situations.

39 3. No physician or his or her delegate, on-call physician, or advanced practice registered  
40 nurse shall prescribe any drug, controlled substance, or other treatment to a patient based solely on  
41 an evaluation over the telephone, unless a previously established and ongoing valid physician-  
42 patient relationship exists.

43 4. No physician shall prescribe any drug, controlled substance, or other treatment to a  
44 patient based solely on an internet request or an internet questionnaire."; and

45  
46 Further amend said bill, Page 9, Section 376.1900, Lines 2 through 15, by deleting all of said lines  
47 and inserting in lieu thereof the following:

48

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

4           (2) "Distant site", a site at which a health care provider is located while providing health  
 5 care services by means of telemedicine. For the purposes of asynchronous store-and-forward  
 6 transfer, originating site shall also mean the location at which the health care provider transfers  
 7 information to the distant site;

8           (3) "Electronic visit", or "e-visit", an online electronic medical evaluation and management  
 9 service completed using a secured web-based or similar electronic-based communications network  
 10 for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of  
 11 a patient with the health care provider, be completed using a federal Health Insurance Portability  
 12 and Accountability Act (HIPAA)-compliant online connection, and include a permanent record of  
 13 the electronic visit;

14           [(2)] (4) "Health benefit plan" shall have the same meaning ascribed to it in section  
 15 376.1350;

16           [(3)] (5) "Health care provider" shall have the same meaning ascribed to it in section  
 17 376.1350;

18           [(4)] (6) "Health care service", a service for the diagnosis, prevention, treatment, cure or  
 19 relief of a physical or mental health condition, illness, injury or disease;

20           [(5)] (7) "Health carrier" shall have the same meaning ascribed to it in section 376.1350;

21           [(6)] (8) "Originating site", a site at which a patient is located at the time health care  
 22 services are provided to him or her by means of telemedicine;

23           (9) "Telehealth" [shall have the same meaning ascribed to it in section 208.670] or  
 24 "telemedicine", the delivery of health care services by means of information and communication  
 25 technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care  
 26 management, and self-management of a patient's health care while such patient is at the originating  
 27 site and the health care provider is at the distant site. Telehealth or telemedicine shall also include  
 28 the use of asynchronous store-and-forward technology."; and

29  
 30 Further amend said bill and section, Page 10, Line 53, by inserting after all of said section and line  
 31 the following:

32  
 33           "Section B. Because immediate action is necessary to ensure the continued provision of  
 34 health care services to residents of Missouri, the enactment of section 191.1145 of this act is deemed  
 35 necessary for the immediate preservation of the public health, welfare, peace and safety, and is  
 36 hereby declared to be an emergency act within the meaning of the constitution, and the enactment of  
 37 section 191.1145 of this act shall be in full force and effect upon its passage and approval."; and

38  
 39 Further amend said bill by amending the title, enacting clause, and intersectional references  
 40 accordingly.

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