SECOND REGULAR SESSION
[CORRECTED]
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 579

98TH GENERAL ASSEMBLY
2016

AN ACT
To repeal sections 192.020, 192.667, 208.670, 334.108, and 335.175, RSMo, and to
enact in lieu thereof twelve new sections relating to health care, with existing
penalty provisions.

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

Section A. Sections 192.020, 192.667, 208.670, 334.108, and 335.175,
RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known
as sections 191.1145, 191.1146, 192.020, 192.667, 208.670, 208.671, 208.673,
208.675, 208.677, 208.686, 334.108, and 335.175, to read as follows:

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

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

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

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is
intended to be omitted in the law.
transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

(6) "Telehealth" or "telemedicine", the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192.020. 1. It shall be the general duty and responsibility of the department of health and senior services to safeguard the health of the people in the state and all its subdivisions. It shall make a study of the causes and prevention of diseases. It shall designate those diseases which are infectious,
contagious, communicable or dangerous in their nature and shall make and
enforce adequate orders, findings, rules and regulations to prevent the spread of
such diseases and to determine the prevalence of such diseases within the state.
It shall have power and authority, with approval of the director of the
department, to make such orders, findings, rules and regulations as will prevent
the entrance of infectious, contagious and communicable diseases into the state.

2. The department of health and senior services shall include in its list
of communicable or infectious diseases which must be reported to the department
methicillin-resistant staphylococcus aureus (MRSA), carbapenem-resistant
enterobacteriaceae (CRE) as specified by the department, and
vancomycin-resistant enterococcus (VRE).

192.667. 1. All health care providers shall at least annually provide to
the department charge data as required by the department. All hospitals shall
at least annually provide patient abstract data and financial data as required by
the department. Hospitals as defined in section 197.020 shall report patient
abstract data for outpatients and inpatients. [Within one year of August 28,
1992,] Ambulatory surgical centers as defined in section 197.200 shall provide
patient abstract data to the department. The department shall specify by rule
the types of information which shall be submitted and the method of submission.

2. The department shall collect data [on required nosocomial infection
incidence rates] on the incidence of health care-associated infections from
hospitals, ambulatory surgical centers, and other facilities as necessary to
generate the reports required by this section. Hospitals, ambulatory surgical
centers, and other facilities shall provide such data in compliance with this
section.

3. [No later than July 1, 2005,] The department shall promulgate rules
specifying the standards and procedures for the collection, analysis, risk
adjustment, and reporting of [nosocomial infection incidence rates] the
incidence of health care-associated infections and the types of infections
and procedures to be monitored pursuant to subsection 12 of this section. In
promulgating such rules, the department shall:

(1) Use methodologies and systems for data collection established by the
federal Centers for Disease Control and Prevention National [Nosocomial
Infection Surveillance System] Healthcare Safety Network, or its successor;

(2) Consider the findings and recommendations of the infection control
advisory panel established pursuant to section 197.165.

4. **By January 1, 2017,** the infection control advisory panel created by section 197.165 shall make [a recommendation] **recommendations** to the department regarding the [appropriateness of implementing all or part of the nosocomial] **Centers for Medicare and Medicaid Services' health care-associated** infection data collection, analysis, and public reporting requirements [of this act by authorizing] **for** hospitals, ambulatory surgical centers, and other facilities [to participate] in the federal Centers for Disease Control and [Prevention's] **Prevention** National [Nosocomial Infection Surveillance System] **Healthcare Safety Network**, or its successor, **in lieu of all or part of the data collection, analysis, and public reporting requirements of this section.** The advisory panel recommendations shall address which hospitals shall be required as a condition of licensure to use the National Healthcare Safety Network for data collection; the use of the National Healthcare Safety Network for risk adjustment and analysis of hospital submitted data; and the use of the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor, for **public reporting of the incidence of health care-associated infection metrics.** The advisory panel shall consider the following factors in developing its recommendation:

1. **Whether the public is afforded the same or greater access to facility-specific infection control indicators and [rates than would be provided under subsections 2, 3, and 6 to 12 of this section] metrics;**

2. **Whether the data provided to the public [are] is subject to the same or greater accuracy of risk adjustment [than would be provided under subsections 2, 3, and 6 to 12 of this section];**

3. **Whether the public is provided with the same or greater specificity of reporting of infections by type of facility infections and procedures [than would be provided under subsections 2, 3, and 6 to 12 of this section];**

4. **Whether the data [are] is subject to the same or greater level of confidentiality of the identity of an individual patient [than would be provided under subsections 2, 3, and 6 to 12 of this section];**

5. **Whether the National [Nosocomial Infection Surveillance System] Healthcare Safety Network, or its successor, has the capacity to receive, analyze, and report the required data for all facilities;**

6. **Whether the cost to implement the [nosocomial] National**
Healthcare Safety Network infection data collection and reporting system is the same or less than under subsections 2, 3, and 6 to 12 of this section.

5. [Based on] **After considering** the [affirmative recommendation] recommendations of the infection control advisory panel, and provided that the requirements of subsection 12 of this section can be met, the department [may or may not] **shall** implement guidelines from the federal Centers for Disease Control and [Prevention Nosocomial Infection Surveillance System] Prevention's National Healthcare Safety Network, or its successor[, as an alternative means of complying with the requirements of subsections 2, 3, and 6 to 12 of this section. If the department chooses to implement the use of the federal Centers for Disease Control Prevention Nosocomial Infection Surveillance System, or its successor, as an alternative means of complying with the requirements of subsections 2, 3, and 6 to 12 of this section,]. It shall be a condition of licensure for hospitals [and ambulatory surgical centers which opt to participate in the federal program to] **that meet the minimum public reporting requirements of the National Healthcare Safety Network and the Centers for Medicare and Medicaid Services to participate in the National Healthcare Safety Network, or its successor.** Such hospitals **shall** permit the [federal program] National Healthcare Safety Network, or its successor, to disclose facility-specific infection data to the department as required under this section, and as necessary to provide the public reports required by the department. **It shall be a condition of licensure for any [hospital or] ambulatory surgical center which does not voluntarily participate in the National [Nosocomial Infection Surveillance System] Healthcare Safety Network, or its successor, [shall be] to submit facility-specific data to the department as required to abide by all of the requirements of subsections 2, 3, and 6 to 12 of this section] under this section, and as necessary to provide the public reports required by the department.**

6. The department shall not require the resubmission of data which has been submitted to the department of health and senior services or the department of social services under any other provision of law. The department of health and senior services shall accept data submitted by associations or related organizations on behalf of health care providers by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to section 192.665 and this section. A health care provider shall submit the required information to the department of health and
(1) If the provider does not submit the required data through such associations or related organizations;
(2) If no binding agreement has been reached within ninety days of August 28, 1992, between the department of health and senior services and such associations or related organizations; or
(3) If a binding agreement has expired for more than ninety days.
7. Information obtained by the department under the provisions of section 192.665 and this section shall not be public information. Reports and studies prepared by the department based upon such information shall be public information and may identify individual health care providers. The department of health and senior services may authorize the use of the data by other research organizations pursuant to the provisions of section 192.067. The department shall not use or release any information provided under section 192.665 and this section which would enable any person to determine any health care provider's negotiated discounts with specific preferred provider organizations or other managed care organizations. The department shall not release data in a form which could be used to identify a patient. Any violation of this subsection is a class A misdemeanor.
8. The department shall undertake a reasonable number of studies and publish information, including at least an annual consumer guide, in collaboration with health care providers, business coalitions and consumers based upon the information obtained pursuant to the provisions of section 192.665 and this section. The department shall allow all health care providers and associations and related organizations who have submitted data which will be used in any publication to review and comment on the publication prior to its publication or release for general use. [The department shall include any comments of a health care provider, at the option of the provider, and associations and related organizations in the publication if the department does not change the publication based upon those comments.] The publication shall be made available to the public for a reasonable charge.
9. Any health care provider which continually and substantially, as these terms are defined by rule, fails to comply with the provisions of this section shall not be allowed to participate in any program administered by the state or to receive any moneys from the state.
10. A hospital, as defined in section 197.020, aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.071. An ambulatory surgical center as defined in section 197.200 aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.221.

11. The department of health may promulgate rules providing for collection of data and publication of the incidence of health care-associated infections for other types of health facilities determined to be sources of infections; except that, physicians' offices shall be exempt from reporting and disclosure of such infections.

12. By January 1, 2017, the advisory panel shall recommend and the department shall adopt in regulation with an effective date of no later than January 1, 2018, the requirements for the reporting of the following types of infections as specified in this subsection:

(1) Infections associated with a minimum of four surgical procedures for hospitals and a minimum of two surgical procedures for ambulatory surgical centers that meet the following criteria:

(a) Are usually associated with an elective surgical procedure. An elective surgical procedure is a planned, nonemergency surgical procedure, that may be either medically required such as a hip replacement or optional such as breast augmentation;

(b) Demonstrate a high priority aspect such as affecting a large number of patients, having a substantial impact for a smaller population, or being associated with substantial cost, morbidity, or mortality; or

(c) Are infections for which reports are collected by the National Healthcare Safety Network or its successor;

(2) Central line-related bloodstream infections;

(3) Health care-associated infections specified for reporting by hospitals, ambulatory surgical centers, and other health care facilities by the rules of the Centers for Medicare and Medicaid Services to the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(4) Other categories of infections that may be established by rule
by the department.

The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection.

13. In consultation with the infection control advisory panel established pursuant to section 197.165, the department shall develop and disseminate to the public reports based on data compiled for a period of twelve months. Such reports shall be updated quarterly and shall show for each hospital, ambulatory surgical center, and other facility a risk-adjusted nosocomial infection incidence rate for the following types of infection:

(1) Class I Surgical site infections;
(2) Ventilator-associated pneumonia;
(3) Central line-related bloodstream infections;
(4) Other categories of infections that may be established by rule by the department.

The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection metrics on risk adjusted health care-associated infections under this section.

[13. In the event the provisions of this act are implemented by requiring hospitals, ambulatory surgical centers, and other facilities to participate in the federal Centers for Disease Control and Prevention National Nosocomial Infection Surveillance System, or its successor.]

14. The types of infections under subsection 12 of this section to be publicly reported shall be determined by the department by rule and shall be consistent with the infections tracked by the National Nosocomial Infection Surveillance System [Healthcare Safety Network], or its successor.

[14.] 15. Reports published pursuant to subsection [12] 13 of this section shall be published and readily accessible on the department's internet website. [The initial report shall be issued by the department not later than December 31, 2006.] The reports shall be distributed at least annually to the governor and members of the general assembly. The department shall make such reports available to the public for a period of at least two years.

[15.] 16. The Hospital Industry Data Institute shall publish a report of Missouri hospitals' and ambulatory surgical centers' compliance with standardized quality of care measures established by the federal Centers for
Medicare and Medicaid Services for prevention of infections related to surgical
procedures. If the Hospital Industry Data Institute fails to do so by July 31,
2008, and annually thereafter, the department shall be authorized to collect
information from the Centers for Medicare and Medicaid Services or from
hospitals and ambulatory surgical centers and publish such information in
accordance with [subsection 14 of] this section.

[16.] 17. The data collected or published pursuant to this section shall
be available to the department for purposes of licensing hospitals and ambulatory
surgical centers pursuant to chapter 197.

[17.] 18. The department shall promulgate rules to implement the
provisions of section 192.131 and sections 197.150 to 197.160. Any rule or portion
of a rule, as that term is defined in section 536.010 that is created under the
authority delegated in this section shall become effective only if it complies with
and is subject to all of the provisions of chapter 536 and, if applicable, section
536.028. This section and chapter 536 are nonseverable and if any of the powers
vested with the general assembly pursuant to chapter 536 to review, to delay the
effective date, or to disapprove and annul a rule are subsequently held
unconstitutional, then the grant of rulemaking authority and any rule proposed
or adopted after August 28, 2004, shall be invalid and void.

19. No later than August 28, 2017, each hospital, excluding
mental health facilities as defined in section 632.005, and each
ambulatory surgical center as defined in section 197.200, shall in
consultation with its medical staff establish an antimicrobial
stewardship program for evaluating the judicious use of antimicrobials,
especially antibiotics that are the last line of defense against resistant
infections. The hospital's stewardship program and the results of the
program shall be monitored and evaluated by hospital quality
improvement departments and shall be available upon inspection to the
department. At a minimum, the antimicrobial stewardship program
shall be designed to evaluate that hospitalized patients receive, in
accordance with accepted medical standards of practice, the
appropriate antimicrobial, at the appropriate dose, at the appropriate
time, and for the appropriate duration.

20. Hospitals described in subsection 19 of this section shall meet
the National Healthcare Safety Network requirements for reporting
antimicrobial usage or resistance by using the Centers for Disease
Control and Prevention's Antimicrobial Use and Resistance (AUR) Module when regulations concerning Stage 3 of the Medicare and Medicaid Electronic Health Records Incentive Programs promulgated by the Centers for Medicare and Medicaid Services that enable the electronic interface for such reporting are effective. When such antimicrobial usage or resistance reporting takes effect, hospitals shall authorize the National Healthcare Safety Network, or its successor, to disclose to the department facility-specific information reported to the AUR Module. Facility-specific data on antibiotic usage and resistance collected under this subsection shall not be disclosed to the public, but the department may release case-specific information to other facilities, physicians, and the public if the department determines on a case-by-case basis that the release of such information is necessary to protect persons in a public health emergency.

21. The department shall make a report to the general assembly beginning January 1, 2018, and on every January first thereafter on the incidence, type, and distribution of antimicrobial-resistant infections identified in the state and within regions of the state.

208.670. 1. As used in this section, these terms shall have the following meaning:

(1) "Provider", any provider of medical services and mental health services, including all other medical disciplines;

(2) "Telehealth", [the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient] the same meaning as such term is defined in section 191.1145.

2. Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.

[2.] 3. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services
by providers. Telehealth providers shall be required to obtain [patient] participant consent before telehealth services are initiated and to ensure confidentiality of medical information.

[3.] 4. Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program.

208.671. 1. As used in this section and section 208.673, the following terms shall mean:

   (1) "Asynchronous store-and-forward", the transfer of a participant's clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant's treating provider;

   (2) "Asynchronous store-and-forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

   (3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

   (4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

   (5) "Distant site", the site where a consulting provider is located at the time the consultation service is provided;

   (6) "Originating site", the site where a MO HealthNet participant receiving services and such participant's treating provider are both physically located;
(7) "Provider", any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;

(8) "Telehealth", as that term is defined in section 191.1145;

(9) "Treating provider", a provider who:

(a) Evaluates a participant;

(b) Determines the need for a consultation;

(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and

(d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:

(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;

(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;

(3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;

(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;

(5) Security and privacy of such digital files;

(6) Participant consent for asynchronous store-and-forward services; and

(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.
Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.

208.673. 1. There is hereby established the "Telehealth Services Advisory Committee" to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

(1) The director of the MO HealthNet division, or the director's designee;

(2) The medical director of the MO HealthNet division;

(3) A representative from a Missouri institution of higher education with expertise in telehealth;

(4) A representative from the Missouri office of primary care and rural health;

(5) Two board-certified specialists licensed to practice medicine in this state;

(6) A representative from a hospital located in this state that utilizes telehealth;

(7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;

(8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;

(9) A dentist licensed to practice in this state; and

(10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.

3. Members of the committee listed in subdivisions (3) to (10) of
subsection 2 of this section shall be appointed by the governor with the
advice and consent of the senate. The first appointments to the
committee shall consist of three members to serve three-year terms,
three members to serve two-year terms, and three members to serve a
one-year term as designated by the governor. Each member of the
committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation
for their services but shall be reimbursed for any actual and necessary
expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from
office by the governor without cause. If there is a vacancy for any
cause, the governor shall make an appointment to become effective
immediately for the unexpired term.

6. Any rule or portion of a rule, as that term is defined in section
536.010, that is created under the authority delegated in this section
shall become effective only if it complies with and is subject to all of
the provisions of chapter 536 and, if applicable, section 536.028. This
section and chapter 536 are nonseverable, and if any of the powers
vested with the general assembly pursuant to chapter 536 to review, to
delay the effective date, or to disapprove and annul a rule are
subsequently held unconstitutional, then the grant of rulemaking
authority and any rule proposed or adopted after August 28, 2016, shall
be invalid and void.

208.675. For purposes of the provision of telehealth services in
the MO HealthNet program, the following individuals, licensed in
Missouri, shall be considered eligible health care providers:
(1) Physicians, assistant physicians, and physician assistants;
(2) Advanced practice registered nurses;
(3) Dentists, oral surgeons, and dental hygienists under the
supervision of a currently registered and licensed dentist;
(4) Psychologists and provisional licensees;
(5) Pharmacists;
(6) Speech, occupational, or physical therapists;
(7) Clinical social workers;
(8) Podiatrists;
(9) Optometrists;
(10) Licensed professional counselors; and
(11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.

208.677. 1. For purposes of the provision of telehealth services in the MO HealthNet program, the term "originating site" shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

(1) An office of a physician or health care provider;
(2) A hospital;
(3) A critical access hospital;
(4) A rural health clinic;
(5) A federally qualified health center;
(6) A long-term care facility licensed under chapter 198;
(7) A dialysis center;
(8) A Missouri state habilitation center or regional office;
(9) A community mental health center;
(10) A Missouri state mental health facility;
(11) A Missouri state facility;
(12) A Missouri residential treatment facility licensed by and under contract with the children’s division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;
(13) A comprehensive substance treatment and rehabilitation (CSTAR) program;
(14) A school;
(15) The MO HealthNet recipient's home;
(16) A clinical designated area in a pharmacy; or
(17) A child assessment center as described in section 210.001.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.
208.686. 1. Subject to appropriations, the department shall establish a statewide program that permits reimbursement under the MO HealthNet program for home telemonitoring services. For the purposes of this section, "home telemonitoring service" shall mean a health care service that requires scheduled remote monitoring of data related to a participant’s health and transmission of the data to a health call center accredited by the Utilization Review Accreditation Commission (URAC).

2. The program shall:
   (1) Provide that home telemonitoring services are available only to persons who:
       (a) Are diagnosed with one or more of the following conditions:
           a. Pregnancy;
           b. Diabetes;
           c. Heart disease;
           d. Cancer;
           e. Chronic obstructive pulmonary disease;
           f. Hypertension;
           g. Congestive heart failure;
           h. Mental illness or serious emotional disturbance;
           i. Asthma;
           j. Myocardial infarction; or
           k. Stroke; and
       (b) Exhibit two or more of the following risk factors:
           a. Two or more hospitalizations in the prior twelve-month period;
           b. Frequent or recurrent emergency department admissions;
           c. A documented history of poor adherence to ordered medication regimens;
           d. A documented history of falls in the prior six-month period;
           e. Limited or absent informal support systems;
           f. Living alone or being home alone for extended periods of time;
           g. A documented history of care access challenges; or
           h. A documented history of consistently missed appointments with health care providers;
   (2) Ensure that clinical information gathered by a home health agency or hospital while providing home telemonitoring services is
38 shared with the participant's physician; and
39
   (3) Ensure that the program does not duplicate any disease
40 management program services provided by MO HealthNet.
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3. If, after implementation, the department determines that the
42 program established under this section is not cost effective, the
43 department may discontinue the program and stop providing
44 reimbursement under the MO HealthNet program for home
45 telemonitoring services.
46
4. The department shall determine whether the provision of
47 home telemonitoring services to persons who are eligible to receive
48 benefits under both the MO HealthNet and Medicare programs achieves
49 cost savings for the Medicare program.
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5. If, before implementing any provision of this section, the
51 department determines that a waiver or authorization from a federal
52 agency is necessary for implementation of that provision, the
53 department shall request the waiver or authorization and may delay
54 implementing that provision until the waiver or authorization is
55 granted.
56
6. The department shall promulgate rules and regulations to
57 implement the provisions of this section. Any rule or portion of a rule,
58 as that term is defined in section 536.010, that is created under the
59 authority delegated in this section shall become effective only if it
60 complies with and is subject to all of the provisions of chapter 536 and,
61 if applicable, section 536.028. This section and chapter 536 are
62 nonseverable, and if any of the powers vested with the general
63 assembly pursuant to chapter 536 to review, to delay the effective date,
64 or to disapprove and annul a rule are subsequently held
65 unconstitutional, then the grant of rulemaking authority and any rule
66 proposed or adopted after August 28, 2016, shall be invalid and void.

334.108. 1. Prior to prescribing any drug, controlled substance, or other
2 treatment through telemedicine, as defined in section 191.1145, or the
3 internet, a physician shall establish a valid physician-patient relationship as
4 described in section 191.1146. This relationship shall include:
5
   (1) Obtaining a reliable medical history and performing a physical
6 examination of the patient, adequate to establish the diagnosis for which the drug
7 is being prescribed and to identify underlying conditions or contraindications to
8 the treatment recommended or provided;
(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

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

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

(5) [Including] **Maintaining** the electronic prescription information as part of the patient’s medical record.

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

(1) A hospital as defined in section 197.020;

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

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

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

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

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

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

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

3. No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation over the telephone; except that, a physician, such physician’s on-call designee, an advanced practice registered nurse in a collaborative practice arrangement with such physician, a physician assistant in a supervision agreement with such physician, or an assistant physician in a supervision agreement with such physician may prescribe any drug, controlled substance, or other treatment that is within his or her scope of practice to a patient based solely on a telephone evaluation if a previously established and ongoing physician-patient relationship exists between such physician and the
patient being treated.

4. No health care provider shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an internet request or an internet questionnaire.

335.175. 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" [means the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient, as defined in section 208.670] shall have the same meaning as such term is defined in section 191.1145.

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, unless reauthorized by an
act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.