

FIRST REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 94

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

0749S.01P

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Section A. Section 191.1145, RSMo, is repealed and one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 their choice of electronic platforms used**
32 **to deliver telehealth or telemedicine, provided that all**
33 **services delivered are in accordance with the Health**
34 **Insurance Portability and Accountability Act of 1996.**

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

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

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

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

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

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

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

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

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

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