

1 ENGROSSED SENATE
2 BILL NO. 726

By: Griffin of the Senate

3 and

4 Mulready of the House

5
6 [telemedicine - physician-patient relationship -
7 codification - effective date]
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

13 A. As used in this act:

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

20 2. "Telemedicine" means the practice of health care delivery,
21 diagnosis, consultation, evaluation and treatment, transfer of
22 medical data or exchange of medical education information by means
23 of a two-way, real-time interactive communication between a patient,
24 not to exclude asynchronous store and forward technologies, and a

1 physician with access to and reviewing the patient's relevant
2 clinical information prior to the telemedicine visit.

3 "Telemedicine" shall not include consultations provided by telephone
4 audio-only communication, electronic mail, text message, instant
5 messaging conversation, website questionnaire, non-secure video
6 conference or facsimile machine.

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

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

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

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

22 C. Telemedicine encounters in this state shall not be used to
23 establish a valid physician-patient relationship for the purpose of
24 prescribing opiates, synthetic opiates, semisynthetic opiates,

1 benzodiazepine or carisprodol, but may be used to prescribe opioid
2 antagonists or partial antagonists pursuant to Sections 2506.1 and
3 2506.2 of Title 63 of the Oklahoma Statutes.

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

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

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

11 Passed the Senate the 23rd day of March, 2017.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the ____ day of _____,
16 2017.

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Presiding Officer of the House
of Representatives

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