

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 726, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Griffin

Griffin-AM-FS-Req#1651
3/22/2017 11:39 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 726

By: Griffin of the Senate

and

Mulready of the House

FLOOR SUBSTITUTE

[telemedicine - physician-patient relationship -
codification - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

A. As used in this act:

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

1 2. "Telemedicine" means the practice of health care delivery,
2 diagnosis, consultation, evaluation and treatment, transfer of
3 medical data or exchange of medical education information by means
4 of a two-way, real-time interactive communication between a patient,
5 not to exclude asynchronous store and forward technologies, and a
6 physician with access to and reviewing the patient's relevant
7 clinical information prior to the telemedicine visit.
8 "Telemedicine" shall not include consultations provided by telephone
9 audio-only communication, electronic mail, text message, instant
10 messaging conversation, website questionnaire, non-secure video
11 conference or facsimile machine.

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

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

- 19 1. Holds a license to practice medicine in this state;
- 20 2. Confirms with the patient the patient's identity and
21 physical location; and
- 22 3. Provides the patient with the treating physician's identity
23 and professional credentials.

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

4 C. Telemedicine encounters in this state shall not be used to
5 establish a valid physician-patient relationship for the purpose of
6 prescribing opiates, synthetic opiates, semisynthetic opiates,
7 benzodiazepine or carisprodol, but may be used to prescribe opioid
8 antagonists or partial antagonists pursuant to Sections 2506.1 and
9 2506.2 of Title 63 of the Oklahoma Statutes.

10 D. A physician-patient relationship shall not be created solely
11 based on the receipt of patient health information by a physician.
12 The duties and obligations created by a physician-patient
13 relationship shall not apply until the physician affirmatively:

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

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

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18 56-1-1651 AM 3/22/2017 11:39:05 AM
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