

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 726

By: Griffin of the Senate

and

Mulready of the House

8  
9                               COMMITTEE SUBSTITUTE

10                   An Act relating to telemedicine; defining terms;  
11                   authorizing certain physician-patient relationships  
12                   established through telemedicine; providing  
13                   confidentiality standards; prohibiting telemedicine  
14                   encounters to prescribe certain drugs; establishing  
15                   physician-patient relationship when certain criteria  
16                   are met; providing for codification; and providing an  
17                   effective date.

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

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

22                   A. As used in this act:

23                   1. "Store and forward technologies" means the transmission of a  
24                   patient's medical information from an originating site to the  
25                   physician or practitioner at the distant site; provided, photographs  
26                   visualized by a telecommunications system shall be specific to the

1 patient's medical condition and adequate for furnishing or  
2 confirming a diagnosis or treatment plan;

3 2. "Telemedicine" means the practice of health care delivery,  
4 diagnosis, consultation, evaluation and treatment, transfer of  
5 medical data or exchange of medical education information by means  
6 of a two-way, real-time interactive communication, not to exclude  
7 store and forward technologies, between a patient and a physician  
8 with access to and reviewing the patient's relevant clinical  
9 information prior to the telemedicine visit.

10 "Telemedicine" and "store and forward technologies" shall not  
11 include consultations provided by telephone audio-only  
12 communication, electronic mail, text message, instant messaging  
13 conversation, website questionnaire, nonsecure video conference or  
14 facsimile machine.

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

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

- 22 1. Holds a license to practice medicine in this state;
- 23 2. Confirms with the patient the patient's identity and  
24 physical location; and

1        3. Provides the patient with the treating physician's identity  
2 and professional credentials.

3        B. Telemedicine and store and forward technology encounters  
4 shall comply with the Health Insurance Portability and  
5 Accountability Act of 1996 and ensure that all patient  
6 communications and records are secure and confidential.

7        C. Telemedicine encounters and encounters involving store and  
8 forward technologies in this state shall not be used to establish a  
9 valid physician-patient relationship for the purpose of prescribing  
10 opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or  
11 carisprodol, but may be used to prescribe opioid antagonists or  
12 partial agonists pursuant to Sections 1-2506.1 and 1-2506.2 of Title  
13 63 of the Oklahoma Statutes.

14        D. A physician-patient relationship shall not be created solely  
15 based on the receipt of patient health information by a physician.  
16 The duties and obligations created by a physician-patient  
17 relationship shall not apply until the physician affirmatively:

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

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

21  
22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM  
23 CARE, dated 04/05/2017 - DO PASS, As Amended.  
24