

1 **SENATE FLOOR VERSION**

2 February 22, 2021

3 SENATE BILL NO. 690

By: Pugh

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5
6 An Act relating to telemedicine; amending Section 2,
7 Chapter 228, O.S.L. 2017 (59 O.S. Supp. 2020, Section
8 478.1), which relates to establishment of physician-
patient relationship; broadening types of allowed
9 licenses; and providing an effective date.
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY Section 2, Chapter 228, O.S.L.
13 2017 (59 O.S. Supp. 2020, Section 478.1), is amended to read as
14 follows:

15 Section 478.1. A. Unless otherwise prohibited by law, a valid
16 physician-patient relationship may be established by an allopathic
17 or osteopathic physician with a patient located in this state
18 through telemedicine, provided that the physician:

19 1. Holds a license to practice medicine in this state, a
20 license issued by endorsement by the State Board of Medical
21 Licensure and Supervision under Section 493.3 of this title or a
22 license issued without examination by the State Board of Osteopathic
23 Examiners under Section 634 of this title;
24

1 2. Confirms with the patient the patient's identity and
2 physical location; and

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

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

9 C. Telemedicine encounters and encounters involving store and
10 forward technologies in this state shall not be used to establish a
11 valid physician-patient relationship for the purpose of prescribing
12 opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or
13 carisprodol, but may be used to prescribe opioid antagonists or
14 partial agonists pursuant to Sections 1-2506.1 and 1-2506.2 of Title
15 63 of the Oklahoma Statutes.

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

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

22 SECTION 2. This act shall become effective November 1, 2021.

23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 February 22, 2021 - DO PASS