

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2071

1 AN ACT TO AMEND SECTION 73-25-34, MISSISSIPPI CODE OF 1972,  
2 TO DEFINE TELEMEDICINE IN THE MEDICAL PRACTICE ACT AND TO PROVIDE  
3 STANDARDS FOR PROVIDING TREATMENT VIA TELEMEDICINE SERVICES; TO  
4 AUTHORIZE THE MISSISSIPPI BOARD OF MEDICAL LICENSURE TO PROMULGATE  
5 RULES RELATING TO TELEMEDICINE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 73-25-34, Mississippi Code of 1972, is  
8 amended as follows:

9 73-25-34. (1) \* \* \* Telemedicine is the practice of  
10 medicine using electronic communications, information technology  
11 or other means, including, but not limited to, secure  
12 videoconferencing or interactive audio using asynchronous store  
13 and forward transfer technology, between a provider in one  
14 location and a patient in another location, with or without an  
15 intervening healthcare provider. Telemedicine is a method of  
16 practicing medicine as defined by Section 73-25-33, and is not a  
17 separate form of medicine.

18 (2) \* \* \* The practice of medicine is deemed to occur at the  
19 location of the patient. A provider may utilize telemedicine to



20 offer medical services as part of his or her practice, provided  
21 that the provider at all times acts within the applicable standard  
22 of care.

23 (3) \* \* \* If a provider offering telemedicine services in  
24 his or her practice does not have an established provider-patient  
25 relationship with a person seeking such services, the provider may  
26 use his or her professional judgment within the standard of care  
27 to take appropriate steps to establish a provider-patient  
28 relationship by use of appropriate telemedicine technologies,  
29 including, but not limited to, the use of interactive audio using  
30 asynchronous store and forward technology or videoconferencing.  
31 The technological method by which the provider-patient  
32 relationship is established shall be within the discretion and  
33 medical judgment of the provider, but shall comply with the  
34 applicable medical standard of care.

35 (4) Prior to providing treatment via telemedicine, a  
36 provider shall obtain and document a patient's relevant clinical  
37 history and current symptoms to establish the diagnosis and  
38 identify underlying conditions and contraindications to the  
39 treatment recommended. After establishment or the  
40 provider-patient relationship, the provider may prescribe  
41 medications using telemedicine services within the scope of the  
42 applicable standard of care; provided, however, that the  
43 prescription drug shall not be a controlled substance unless  
44 prescribed in compliance with 21 USC Section 802(54)(A).



45 (5) A patient's informed consent for the use of telemedicine  
46 services shall be obtained as required by any applicable law.

47 (6) Any provider offering telemedicine services shall refer  
48 a patient to an appropriate medical facility or provider for  
49 in-person treatment if medically indicated.

50 (7) Any provider offering telemedicine services as part of  
51 his or her practice shall comply with any applicable state and  
52 federal laws, rules and regulations, including the Health  
53 Insurance Portability and Accountability Act (HIPAA), Public Law  
54 104-191 (1996), and the Health Information Technology for Economic  
55 and Clinical Health Act (HITECH), Public Law 111-115 (2009). Such  
56 records shall be accessible to other providers and to the patient  
57 in accordance with applicable laws, rules and regulations.

58 (8) A provider who fails to comply with this section is  
59 subject to discipline by the Mississippi Board of Medical  
60 Licensure.

61 (9) The Mississippi Board of Medical Licensure is authorized  
62 to promulgate rules relating to telemedicine; provided, however,  
63 that any such regulations shall be consistent with and no more  
64 restrictive than the provisions contained herein.

65 **SECTION 2.** This act shall take effect and be in force from  
66 and after July 1, 2016.

