

By: Senator(s) Hill

To: Public Health and
Welfare

SENATE BILL NO. 2904

1 AN ACT TO AMEND SECTION 73-25-34, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PROVISION WHICH AUTHORIZES HEALTH CARE PROVIDERS TO
3 OFFER TELEMEDICINE SERVICES, TO PROVIDE DEFINITIONS AND CONDITIONS
4 ON PROVIDERS OFFERING TELEMEDICINE SERVICES AND TO AUTHORIZE THE
5 MISSISSIPPI BOARD OF MEDICAL LICENSURE TO PROMULGATE RULES
6 RELATING TO TELEMEDICINE WITH CERTAIN EXCEPTIONS; AND FOR RELATED
7 PURPOSES.

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

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

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



20 (2) * * * The practice of medicine is deemed to occur at the
21 location of the patient. A provider may utilize telemedicine to
22 offer medical services as part of his or her practice, provided
23 that the provider at all times acts within the applicable standard
24 of care.

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

37 (4) Prior to providing treatment via telemedicine, a
38 provider shall obtain and document a patient's relevant clinical
39 history and current symptoms to establish the diagnosis and
40 identify underlying conditions and contraindications to the
41 treatment recommended. After establishment or the
42 provider-patient relationship, the provider may prescribe
43 medications using telemedicine services within the scope of the
44 applicable standard of care; provided, however, that the



45 prescription drug shall not be a controlled substance unless
46 prescribed in compliance with 21 USC Section 802(54)(A).

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

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

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

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

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

67 **SECTION 2.** The Mississippi Board of Medical Licensure, Rule
68 5.7, which states that "no physician practicing telemergency
69 medicine shall be authorized to function in a



70 collaborative/consultative role unless his or her practice
71 location is a Level One Hospital Trauma Center that is able to
72 provide continuous twenty-four-hour coverage and has an existing
73 air ambulance system in place" shall have no legal force and
74 effect.

75 **SECTION 3.** This act shall take effect and be in force from
76 and after July 1, 2018.

