

SENATE No. 1244

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act facilitating the provision of telehealth services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/30/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/3/2017</i>

SENATE No. 1244

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1244) of Michael O. Moore, John W. Scibak and Keiko M. Orrall for legislation to facilitate the provision of telehealth services. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act facilitating the provision of telehealth services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 32A of the General Laws is hereby amended by adding the following
2 new section:-

3 Section 28. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “health professional,” means an individual who is engaging in the practice of a health
6 profession.

7 “telehealth,” the use of electronic information and telecommunication technologies to
8 support or promote long-distance clinical health care, patient and professional health-related
9 education, public health or health administration. Telehealth may include, but is not limited to,
10 telemedicine.

11 “telehealth service,” a health care service that is provided through telehealth.

12 “telemedicine,” the delivery of a health care service using electronic communications,
13 information technology, or other electronic or technological means to bridge the gap between the
14 health care practitioner who is located at one site, and a patient who is located at a different,
15 remote site, either with or without the assistance of an intervening health care provider, and in
16 accordance with the provisions of this act. “Telemedicine” does not include the use, in isolation,
17 of audio-only telephone conversation, electronic mail, instant messaging, phone text or facsimile
18 transmission.

19 (b) Except otherwise provided in this section, a health professional shall not provide a
20 telehealth service without directly or indirectly obtaining consent for treatment. This section does
21 not apply to a health professional who is providing a telehealth service to an inmate who is under
22 the jurisdiction of the department of corrections and is housed in a correctional facility.

23 (c) A health professional who is providing a telehealth service may prescribe the patient a
24 drug if both of the following are met:

25 1. The issuance of a prescription based on a telehealth encounter shall be held to the same
26 standard of care or practice standards as are applicable to in-person settings.

27 2. The drug is not a controlled substance.

28 (d) In a manner consistent with this section and in addition to the provisions set forth in
29 this part, a disciplinary subcommittee may place restrictions or conditions on a health
30 professional’s ability to provide a telehealth service if the disciplinary subcommittee finds that
31 the health professional has violated sections (b) or (c).

32 (e) The department, in consultation with a board, may promulgate rules to implement
33 subsections (b) and (c).

34 (f) Notwithstanding any general or special law to the contrary, such regulations shall not

35 1. Require new or additional third party reimbursement for health care services rendered
36 by a health professional through telehealth.

37 2. Limit the provision of a health care service otherwise allowed by law.

38 3. Authorize a health care service otherwise prohibited by law.

39 (g) This Act shall take effect 90 days after enactment.