

SENATE No. 556

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 authorizing telemedicine services.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|----------------------------|--|------------------|
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>1/30/2019</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>1/31/2019</i> |

SENATE No. 556

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 556) of Joanne M. Comerford, Michael J. Barrett and Mindy Domb for legislation relative to authorize telemedicine services. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing telemedicine 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 Chapter 112 of the General Laws is hereby amended by inserting after section 2D the
2 following section:-

3 Section 2E. (a) As used in this section, the following words shall have the following
4 meanings:

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

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) A health professional shall not provide a telehealth service without directly or
20 indirectly obtaining the patient’s consent for treatment.

21 (c) The board shall promulgate regulations to implement this section, including
22 regulations regarding the appropriate use of telemedicine to provide health care services. These
23 regulations shall provide for and include, but shall not be limited to: (i) prescribing medications;
24 (ii) services that are not appropriate to provide through telemedicine; (iii) establishing a patient-
25 provider relationship; (iv) consumer protections; (v) requirements to inform a patient’s primary
26 care provider regarding the services provided, with the consent of the patient; and (vi) ensuring
27 that services comply with appropriate standards of care.

28 (d) Health care services provided by telemedicine shall conform to the standards of care
29 applicable to the telemedicine provider’s profession. Such services shall also conform to
30 applicable federal and state health information privacy and security standards as well as
31 standards for informed consent

32 (e) A health professional who is providing a telehealth service may prescribe the patient a
33 drug if (i) the issuance of a prescription based on a telehealth encounter shall be held to the same

34 standard of care or practice standards as are applicable to in-person settings and (ii) the
35 drug is not a controlled substance.

36 (f) The board may place restrictions or conditions on a health professional's ability to
37 provide a telehealth service if the board determines that the health professional has violated
38 subsections (b) through (e).

39 (g) This section shall not authorize the provision of a health care service otherwise
40 prohibited by law.