

HOUSE No. 2434

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur and Paul McMurtry

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 to facilitate the provision of telehealth services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>1/20/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/20/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>12/20/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>12/20/2017</i>

HOUSE No. 2434

By Messrs. Brodeur of Melrose and McMurtry of Dedham, a petition (accompanied by bill, House, No. 2434) of Paul Brodeur, Paul McMurtry and others relative to telehealth services. Public Health.

The Commonwealth of Massachusetts

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

An Act to facilitate 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 1. Definitions:

2 a. As used in this section:

3 i. “health professional” means an individual who is engaging in the practice of a
4 health profession.

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

9 iii. “telehealth service” means a health care service that is provided through
10 telehealth.

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

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

22 3. A health professional who is providing a telehealth service may prescribe the
23 patient a drug if both of the following are met:

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

26 b. The drug is not a controlled substance.

27 4. In a manner consistent with this section and in addition to the provisions set forth
28 in this part, a disciplinary subcommittee may place restrictions or conditions on a health
29 professional’s ability to provide a telehealth service if the disciplinary subcommittee finds that
30 the health professional has violated sections 2 or 3.

31 5. The department, in consultation with a board, may promulgate rules to implement
32 sections 2 and 3.

33 6. Sections 2 and 5 do not do any of the following:

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

36 b. Limit the provision of a health care service otherwise allowed by law.

37 c. Authorize a health care service otherwise prohibited by law.

38 7. This Act takes effect 90 days after the date that it is enacted into law.