

HOUSE No. 2254

The Commonwealth of Massachusetts

PRESENTED BY:

Smitty Pignatelli

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 reducing barriers to telehealth care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/17/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/19/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/20/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/20/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/20/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/25/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/17/2023</i>

HOUSE No. 2254

By Representative Pignatelli of Lenox, a petition (accompanied by bill, House, No. 2254) of Smitty Pignatelli and others for legislation to further regulate healthcare services to a patient via telehealth. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act reducing barriers to telehealth care.

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 112 of the General Laws is hereby amended by striking out section
2 50, and inserting in place thereof the following section:-

3 Section 50. (a) For purposes of this chapter “telehealth” shall mean the use of
4 synchronous or asynchronous audio, video, electronic media or other telecommunications
5 technology, including, but not limited to: (i) interactive audio-video technology; (ii) remote
6 patient monitoring devices; (iii) audio-only telephone; and (iv) online adaptive interviews, for
7 the purpose of evaluating, diagnosing, consulting, prescribing, treating or monitoring of a
8 patient’s physical health, oral health, mental health or substance use disorder condition.

9 (b) A Physician licensed pursuant to this chapter may provide healthcare services to a
10 patient via telehealth from any location within Massachusetts or outside Massachusetts, provided
11 that the following conditions are met: (i) the patient is physically located in Massachusetts at the
12 time the healthcare services are provided; (ii) the location from which the physician provides the

13 services does not compromise patient confidentiality and privacy; and (iii) the location from
14 which the physician provides the services does not exceed restrictions placed on the physician's
15 specific license, including but not limited to, restrictions set by the hospital, institution, clinic or
16 program in which a physician licensed pursuant to section 9 of this chapter has been appointed.

17 (c) Health care services provided via telehealth shall conform to the standards of care
18 applicable to services rendered in person and shall also conform to applicable federal and state
19 health information privacy and security standards as well as standards for informed consent.

20 (d) Notwithstanding any provision of this chapter to the contrary, the board shall allow a
21 physician licensed by the board to obtain proxy credentialing and privileging for telehealth
22 services from other health care providers, as defined in section 1 of chapter 111, or facilities that
23 comply with the federal Centers for Medicare and Medicaid Services' conditions of participation
24 for telehealth services.