

Amendment to SB 390

1 Amend the bill by replacing all after section 1 with the following:

2
3 2 New Paragraph; Telemedicine. Amend RSA 310-A:1-g by inserting after paragraph VI the
4 following new paragraph:

5 VII. Nothing in this section shall limit a provider's ability to determine the diagnosis,
6 consultation, or treatment for an individual patient.

7 3 Pharmacists and Pharmacies; Definition of Practitioner-Patient Relationship. Amend RSA
8 318:1, XV-a to read as follows:

9 XV-a. "Practitioner-patient relationship" means a medical connection between a licensed
10 practitioner and a patient that includes an in-person ~~[or face-to-face 2-way real time interactive~~
11 ~~communication]~~ exam **or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b,**
12 **provided the health care practitioner: (i) verifies the identity of the patient receiving**
13 **health care services through telemedicine; (ii) discloses to the patient the health care**
14 **practitioner's name, contact information, and the type of health occupation license held by**
15 **the health care practitioner; (iii) obtains oral or written consent from the patient or from**
16 **the patient's parent or guardian, if state law requires the consent of a parent or guardian**
17 **for use of telemedicine services; and (iv) meets the standard of care. A health care**
18 **practitioner shall complete** a history, a diagnosis, a treatment plan appropriate for the
19 practitioner's scope of practice, and documentation of all prescription drugs including name and
20 dosage. A practitioner may prescribe for a patient whom the practitioner does not have a
21 practitioner-patient relationship under the following circumstances: for a patient of another
22 practitioner for whom the prescriber is taking call; for a patient examined by another New
23 Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to
24 the patient's first appointment. The definition of a practitioner-patient relationship shall not apply
25 to a practitioner licensed in another state who is consulting to a New Hampshire licensed
26 practitioner with whom the patient has a relationship.

27 4 Physicians and Surgeons; Physician-Patient Relationship. Amend RSA 329:1-c to read as
28 follows:

29 329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical
30 connection between a licensed physician and a patient that includes an in-person ~~[or face-to-face 2-~~
31 ~~way real time interactive communication]~~ exam **or an exam using telemedicine, as defined in**
32 **RSA 310-A:1-g, I-b, provided the physician: (i) verifies the identity of the patient receiving**

1 *health care services through telemedicine; (ii) discloses to the patient the physician's*
2 *name, contact information, and the type of health occupation license held by the physician;*
3 *(iii) obtains oral or written consent from the patient or from the patient's parent or*
4 *guardian, if state law requires the consent of a parent or guardian for use of telemedicine*
5 *services; and (iv) meets the standard of care. A physician shall complete* a history, a
6 diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all
7 prescription drugs including name and dosage. A licensee may prescribe for a patient whom the
8 licensee does not have a physician-patient relationship under the following circumstances: writing
9 admission orders for a newly hospitalized patient; for a patient of another licensee for whom the
10 prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other
11 licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's
12 first appointment or when providing limited treatment to a family member in accordance with the
13 American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a
14 physician-patient relationship shall be unprofessional conduct subject to discipline under RSA
15 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed
16 in another state who is consulting to a New Hampshire licensed physician with whom the patient
17 has a relationship.

18 5 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, I to read as follows:

19 I. "Telemedicine" means the use of audio, video, or other electronic media *and technologies*
20 *by a physician in one location to a patient in a different location* for the purpose of diagnosis,
21 consultation, or treatment, *including the use of synchronous or asynchronous interactions as*
22 *defined in RSA 310-A:1-g.*

23 6 Effective Date. This act shall take effect upon its passage.