

Amendment to SB 390

1 Amend the bill by replacing sections 2-4 with the following:

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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 diagnose, assess, or treat an
6 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 or review*** 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***

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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 or review* a history,
6 a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of
7 all 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.