



**PA 18-148**—sSB 302  
*Public Health Committee*

## **AN ACT CONCERNING TELEHEALTH SERVICES**

**SUMMARY:** This act modifies requirements for health care providers who provide medical services through the use of telehealth. Among other things, it:

1. allows telehealth providers to prescribe non-opioid Schedule II or III controlled substances using telehealth to treat a psychiatric disability or substance use disorder, if certain conditions are met, and
2. modifies requirements for telehealth providers to obtain and document patient consent in order to provide telehealth services or disclose related records.

Additionally, the act adds registered nurses and pharmacists to the list of health care providers authorized to provide telehealth services (see **BACKGROUND**). It also specifies that its provisions do not prohibit a licensed or certified health care provider from using telehealth for a hospital inpatient, including to order medication or treatment for hospital inpatients in accordance with the federal Ryan Haight Online Pharmacy Consumer Protection Act (see **BACKGROUND**).

The act also makes technical and conforming changes.

**EFFECTIVE DATE:** July 1, 2018

### **TELEHEALTH REQUIREMENTS**

#### *Prescribing Controlled Substances*

Subject to certain conditions, the act allows telehealth providers to prescribe a non-opioid Schedule II or III controlled substance using telehealth to treat a psychiatric disability or substance use disorder, including medication-assisted treatment (i.e., the use of federal Food and Drug Administration-approved medication in combination with counseling and behavioral therapies).

Under the act, providers may only do this (1) in a manner consistent with the federal Ryan Haight Online Pharmacy Consumer Protection Act; (2) if it is allowed under their current scope of practice; and (3) if they submit the prescription electronically, in accordance with existing law. Prior law prohibited telehealth providers from prescribing any Schedule I, II, or III controlled substances using telehealth.

#### *Patient Consent*

By law, at the first telehealth interaction with a patient, a telehealth provider must document in the patient's medical record that the provider (1) informed the patient about telehealth methods and limitations and (2) obtained the patient's

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consent to provide telehealth services. Under the act, if the patient later revokes his or her consent, the telehealth provider must document it in the patient's medical record.

Additionally, existing law requires a telehealth provider to ask for the patient's consent to disclose telehealth records to his or her primary care provider. Under the act, the provider must do this only at the initial telehealth interaction, instead of at every interaction as under prior law. If the patient consents, the telehealth provider must give the primary care provider records of all telehealth interactions.

Under the act, consent for providing telehealth services or records disclosure may be obtained from the patient or the patient's legal guardian, conservator, or other authorized representative.

### BACKGROUND

#### *Ryan Haight Online Pharmacy Consumer Protection Act ("Haight Act")*

The 2008 Haight Act established standards for dispensing and prescribing controlled substances via the internet (e.g., online pharmacies and telehealth). Among other things, the act prohibits dispensing controlled substances via the internet without a valid prescription. For a prescription to be valid, it must be issued for a legitimate medical purpose in the usual course of a health care provider's professional practice. The act requires providers to conduct at least one medical evaluation in-person or, if specified conditions are met, via telehealth, before prescribing a person a controlled substance. The federal Drug Enforcement Agency enforces the act's provisions.

#### *Authorized Telehealth Providers*

Existing law allows the following health care providers to provide health care services using telehealth: physicians, advanced practice registered nurses, physician assistants, occupational and physical therapists, naturopaths, chiropractors, optometrists, podiatrists, psychologists, marital and family therapists, clinical or master social workers, alcohol and drug counselors, professional counselors, dietician-nutritionists, speech and language pathologists, respiratory care practitioners, and audiologists.

By law, these providers must provide telehealth services within their profession's scope of practice and standard of care (CGS § 19a-906).