



General Assembly

**Amendment**

February Session, 2018

LCO No. 4403



Offered by:

SEN. GERRATANA, 6<sup>th</sup> Dist.  
SEN. SOMERS, 18<sup>th</sup> Dist.  
SEN. KENNEDY, 12<sup>th</sup> Dist.  
REP. STEINBERG, 136<sup>th</sup> Dist.  
REP. BETTS, 78<sup>th</sup> Dist.

To: Subst. Senate Bill No. 302

File No. 420

Cal. No. 245

**"AN ACT CONCERNING TELEHEALTH SERVICES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 19a-906 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) As used in this section:

6 (1) "Asynchronous" means any transmission to another site for  
7 review at a later time that uses a camera or other technology to capture  
8 images or data to be recorded.

9 (2) "Facility fee" has the same meaning as in section 19a-508c.

10 [(2)] (3) "Health record" means the record of individual, health-  
11 related information that may include, but need not be limited to,

12 continuity of care documents, discharge summaries and other  
13 information or data relating to a patient's demographics, medical  
14 history, medication, allergies, immunizations, laboratory test results,  
15 radiology or other diagnostic images, vital signs and statistics.

16 [(3) "Facility fee" has the same meaning as in section 19a-508c.]

17 (4) "Medical history" means information, including, but not limited  
18 to, a patient's past illnesses, medications, hospitalizations, family  
19 history of illness if known, the name and address of the patient's  
20 primary care provider if known and other matters relating to the  
21 health condition of the patient at the time of a telehealth interaction.

22 (5) "Medication-assisted treatment" means the use of medications  
23 approved by the federal Food and Drug Administration, in  
24 combination with counseling and behavioral therapies, to provide a  
25 whole-patient approach to the treatment of substance use disorders.

26 [(5)] (6) "Originating site" means a site at which a patient is located  
27 at the time health care services are provided to the patient by means of  
28 telehealth.

29 [(6)] (7) "Peripheral devices" means the instruments a telehealth  
30 provider uses to perform a patient exam, including, but not limited to,  
31 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,  
32 thermometer, tongue depressor and reflex hammer.

33 [(7)] (8) "Remote patient monitoring" means the personal health and  
34 medical data collection from a patient in one location via electronic  
35 communication technologies that is then transmitted to a telehealth  
36 provider located at a distant site for the purpose of health care  
37 monitoring to assist the effective management of the patient's  
38 treatment, care and related support.

39 [(8)] (9) "Store and forward transfer" means the asynchronous  
40 transmission of a patient's medical information from an originating site  
41 to the telehealth provider at a distant site.

42        [(9)] (10) "Synchronous" means real-time interactive technology.

43        [(10)] (11) "Telehealth" means the mode of delivering health care or  
44 other health services via information and communication technologies  
45 to facilitate the diagnosis, consultation and treatment, education, care  
46 management and self-management of a patient's physical and mental  
47 health, and includes (A) interaction between the patient at the  
48 originating site and the telehealth provider at a distant site, and (B)  
49 synchronous interactions, asynchronous store and forward transfers or  
50 remote patient monitoring. Telehealth does not include the use of  
51 facsimile, audio-only telephone, texting or electronic mail.

52        [(11)] (12) "Telehealth provider" means any physician licensed under  
53 chapter 370, physical therapist licensed under chapter 376,  
54 chiropractor licensed under chapter 372, naturopath licensed under  
55 chapter 373, podiatrist licensed under chapter 375, occupational  
56 therapist licensed under chapter 376a, optometrist licensed under  
57 chapter 380, registered nurse or advanced practice registered nurse  
58 licensed under chapter 378, physician assistant licensed under chapter  
59 370, psychologist licensed under chapter 383, marital and family  
60 therapist licensed under chapter 383a, clinical social worker or master  
61 social worker licensed under chapter 383b, alcohol and drug counselor  
62 licensed under chapter 376b, professional counselor licensed under  
63 chapter 383c, dietitian-nutritionist certified under chapter 384b, speech  
64 and language pathologist licensed under chapter 399, respiratory care  
65 practitioner licensed under chapter 381a, [or] audiologist licensed  
66 under chapter 397a or pharmacist licensed under chapter 400j, who is  
67 providing health care or other health services through the use of  
68 telehealth within such person's scope of practice and in accordance  
69 with the standard of care applicable to the profession.

70        (b) (1) A telehealth provider shall only provide telehealth services to  
71 a patient when the telehealth provider: (A) Is communicating through  
72 real-time, interactive, two-way communication technology or store and  
73 forward technologies; (B) has access to, or knowledge of, the patient's  
74 medical history, as provided by the patient, and the patient's health

75 record, including the name and address of the patient's primary care  
76 provider, if any; (C) conforms to the standard of care applicable to the  
77 telehealth provider's profession and expected for in-person care as  
78 appropriate to the patient's age and presenting condition, except when  
79 the standard of care requires the use of diagnostic testing and  
80 performance of a physical examination, such testing or examination  
81 may be carried out through the use of peripheral devices appropriate  
82 to the patient's condition; and (D) provides the patient with the  
83 telehealth's provider license number and contact information.

84 (2) At the time of the telehealth provider's first telehealth interaction  
85 with a patient, the telehealth provider shall inform the patient  
86 concerning the treatment methods and limitations of treatment using a  
87 telehealth platform and, after providing the patient with such  
88 information, obtain the patient's consent to provide telehealth services.  
89 The telehealth provider shall document such notice and consent in the  
90 patient's health record. If a patient later revokes such consent, the  
91 telehealth provider shall document the revocation in the patient's  
92 health record.

93 (c) Notwithstanding the provisions of this section or title 20, no  
94 telehealth provider shall prescribe any schedule I, II or III controlled  
95 [substances] substance through the use of telehealth, except a schedule  
96 II or III controlled substance other than an opioid drug, as defined in  
97 section 20-14o, in a manner fully consistent with the Ryan Haight  
98 Online Pharmacy Consumer Protection Act, 21 USC 829(e), as  
99 amended from time to time, for the treatment of a person with a  
100 psychiatric disability or substance use disorder, as defined in section  
101 17a-458, including, but not limited to, medication-assisted treatment.

102 (d) Each telehealth provider shall, at the time of [each] the initial  
103 telehealth interaction, ask the patient whether the patient consents to  
104 the [telehealth's provider] telehealth provider's disclosure of records  
105 concerning the telehealth interaction to the patient's primary care  
106 provider. If the patient consents to such disclosure, the telehealth  
107 provider shall provide [such] records of all telehealth interactions to

108 the patient's primary care provider, in a timely manner, in accordance  
109 with the provisions of sections 20-7b to 20-7e, inclusive.

110 (e) Any consent required under this section shall be obtained from  
111 the patient, or the patient's legal guardian, conservator or other  
112 authorized representative, as applicable.

113 [(e)] (f) The provision of telehealth services and health records  
114 maintained and disclosed as part of a telehealth interaction shall  
115 comply with the provisions of the Health Insurance Portability and  
116 Accountability Act of 1996 P.L. 104-191, as amended from time to time.

117 [(f)] (g) Nothing in this section shall prohibit: (1) A health care  
118 provider from providing on-call coverage pursuant to an agreement  
119 with another health care provider or such health care provider's  
120 professional entity or employer; (2) a health care provider from  
121 consulting with another health care provider concerning a patient's  
122 care; or (3) orders of health care providers for hospital outpatients or  
123 inpatients. For purposes of this subsection, "health care provider"  
124 means a person or entity licensed or certified pursuant to chapter 370,  
125 372, 373, 375, 376 to 376b, inclusive, 378, 379, 380, 381a, 383 to 383c,  
126 inclusive, 384b, 397a, [or] 399 or 400j, or licensed or certified pursuant  
127 to chapter 368d or 384d.

128 [(g)] (h) No telehealth provider shall charge a facility fee for  
129 telehealth services.

130 Sec. 2. Subdivision (5) of subsection (c) of section 21a-249 of the 2018  
131 supplement to the general statutes is repealed and the following is  
132 substituted in lieu thereof (*Effective July 1, 2018*):

133 (5) The practitioner demonstrates, in a form and manner prescribed  
134 by the commissioner, that such practitioner does not have the  
135 technological capacity to issue electronically transmitted prescriptions.  
136 For the purposes of this subsection, "technological capacity" means  
137 possession of a computer system, hardware or device that can be used  
138 to electronically transmit controlled substance prescriptions consistent

139 with the requirements of the federal Controlled Substances Act, 21  
140 USC 801, as amended from time to time. The provisions of this  
141 subdivision shall not apply to a practitioner when such practitioner is  
142 prescribing as a telehealth provider, as defined in section 19a-906, as  
143 amended by this act, pursuant to subdivision (2) of subsection (c) of  
144 said section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	19a-906
Sec. 2	July 1, 2018	21a-249(c)(5)