

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO TELEHEALTH; AMENDING SECTION 54-5703, IDAHO CODE, TO DEFINE A TERM; AND AMENDING SECTION 54-5707, IDAHO CODE, TO PROVIDE THAT CERTAIN PRESCRIPTION DRUG ORDERS MAY BE ISSUED USING TELEHEALTH SERVICES AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-5703, Idaho Code, be, and the same is hereby amended to read as follows:

54-5703. DEFINITIONS. As used in this chapter:

(1) "Asynchronous store and forward transfer" means the transmission of a patient's health care information from an originating site to a provider at a distant site over a secure connection that complies with state and federal security and privacy laws.

(2) "Distant site" means the site at which a provider delivering telehealth services is located at the time the service is provided.

(3) "Medication-assisted treatment" or "MAT" means the use of medication in combination with behavioral health services to provide an individualized approach to the treatment of substance use disorder.

(4) "Originating site" means the location of a patient at the time telehealth services are provided.

(5) "Provider" means a person who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho, pursuant to title 54, Idaho Code, to deliver health care consistent with his or her license.

(6) "Synchronous interaction" means real-time communication through interactive technology that enables a provider and a patient at two (2) locations separated by distance to interact simultaneously through two-way video and audio or audio transmission.

(7) "Telehealth services" means health care services provided by a provider to a person through the use of electronic communications, information technology, asynchronous store and forward transfer or synchronous interaction between a provider at a distant site and a patient at an originating site. Such services include, but are not limited to, clinical care, health education, home health and facilitation of self-managed care and caregiver support.

SECTION 2. That Section 54-5707, Idaho Code, be, and the same is hereby amended to read as follows:

54-5707. PRESCRIPTIONS. (1) A provider with an established provider-patient relationship, including a relationship established pursuant to section 54-5705, Idaho Code, may issue prescription drug orders using tele-

1 health services within the scope of the provider's license and according to
2 any applicable laws, rules and regulations, including the Idaho community
3 standard of care; provided however, that the prescription drug shall not be a
4 controlled substance unless prescribed in compliance with 21 U.S.C. ~~section~~
5 802(54) (A) or unless the provider prescribes medications approved by the
6 federal food and drug administration for medication-assisted treatment
7 (MAT).

8 (2) Nothing in this chapter shall be construed to expand the prescrip-
9 tive authority of any provider beyond what is authorized by the provider's
10 licensing board.