

# SENATE BILL No. 753

February 9, 2016, Introduced by Senators MACGREGOR, MARLEAU, NOFS, KNOLLENBERG, BOOHER, STAMAS and HERTEL and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 16283, 16284, 16285,  
16286, 16287, 16288, and 16289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16283. AS USED IN SECTIONS 16284 TO 16289:

2 (A) "DISTANT SITE" MEANS THE LOCATION OF THE HEALTH  
3 PROFESSIONAL WHEN PROVIDING A TELEHEALTH SERVICE TO THE PATIENT.

4 (B) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS ENGAGING  
5 IN THE PRACTICE OF A HEALTH PROFESSION.

6 (C) "ORIGINATING SITE" MEANS THE LOCATION OF THE PATIENT WHEN  
7 RECEIVING A TELEHEALTH SERVICE FROM THE HEALTH PROFESSIONAL.

8 (D) "PRESCRIBER" MEANS THAT TERM AS DEFINED IN SECTION 17708.

9 (E) "TELEHEALTH" MEANS THE USE OF INTERACTIVE AUDIO, VIDEO, OR  
10 OTHER TELECOMMUNICATION TECHNOLOGY TO DELIVER HEALTH CARE SERVICES

1 BETWEEN A DISTANT SITE AND AN ORIGINATING SITE FOR THE TREATMENT OF  
2 A PATIENT.

3 (F) "TELEHEALTH SERVICE" MEANS A HEALTH CARE SERVICE THAT IS  
4 PROVIDED THROUGH TELEHEALTH.

5 SEC. 16284. (1) A HEALTH PROFESSIONAL SHALL NOT PROVIDE A  
6 TELEHEALTH SERVICE WITHOUT FIRST OBTAINING THE PATIENT'S INFORMED  
7 CONSENT.

8 (2) THE PATIENT MAY PROVIDE THE CONSENT REQUIRED UNDER  
9 SUBSECTION (1) TO THE HEALTH PROFESSIONAL IN WRITING, WHICH MAY BE  
10 ELECTRONICALLY TRANSMITTED, OR ORALLY IF THE HEALTH PROFESSIONAL  
11 CAN VISIBLY OBSERVE THE PATIENT AT THE TIME THE PATIENT PROVIDES  
12 ORAL CONSENT.

13 SEC. 16285. A HEALTH PROFESSIONAL PROVIDING TELEHEALTH  
14 SERVICES SHALL DO ALL OF THE FOLLOWING:

15 (A) COMPLY WITH ALL APPLICABLE STANDARDS OF CARE.

16 (B) IF THE HEALTH PROFESSIONAL CONSIDERS IT MEDICALLY  
17 NECESSARY, PROVIDE THE PATIENT WITH A REFERRAL FOR OTHER HEALTH  
18 CARE SERVICES THAT ARE GEOGRAPHICALLY ACCESSIBLE TO THE PATIENT,  
19 INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICES.

20 (C) AFTER PROVIDING A TELEHEALTH SERVICE, MAKE HIMSELF OR  
21 HERSELF AVAILABLE TO PROVIDE FOLLOW-UP HEALTH CARE SERVICES TO THE  
22 PATIENT IN A TIMELY MANNER.

23 SEC. 16286. A HEALTH PROFESSIONAL WHO IS PROVIDING A  
24 TELEHEALTH SERVICE MAY PRESCRIBE THE PATIENT A DRUG IF BOTH OF THE  
25 FOLLOWING ARE MET:

26 (A) THE HEALTH PROFESSIONAL IS A PRESCRIBER.

27 (B) THE DRUG IS NOT A CONTROLLED SUBSTANCE.

1           SEC. 16287. IN A MANNER CONSISTENT WITH THIS PART AND IN  
2 ADDITION TO THE PROVISIONS SET FORTH IN THIS PART, A DISCIPLINARY  
3 SUBCOMMITTEE MAY PLACE RESTRICTIONS OR CONDITIONS ON A HEALTH  
4 PROFESSIONAL'S ABILITY TO PROVIDE TELEHEALTH SERVICES IF THE  
5 DISCIPLINARY SUBCOMMITTEE FINDS THAT A HEALTH PROFESSIONAL HAS  
6 VIOLATED SECTION 16284, 16285, OR 16286.

7           SEC. 16288. THE DEPARTMENT, IN CONSULTATION WITH A BOARD, MAY  
8 PROMULGATE RULES TO IMPLEMENT SECTIONS 16284, 16285, AND 16286.

9           SEC. 16289. SECTIONS 16284 TO 16288 DO NOT REQUIRE NEW OR  
10 ADDITIONAL THIRD PARTY REIMBURSEMENT FOR SERVICES RENDERED BY A  
11 HEALTH PROFESSIONAL THROUGH TELEHEALTH.

12           Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.