

1 IDAHO TELEMEDICINE ACCESS ACT

2 To provide for definitions; to provide for the delivery of healthcare services through telemedicine; to
3 authorize state agencies and licensing boards to promulgate rules governing healthcare services
4 provided by Telemedicine; and to provide for related matters.

5 Section 1. Title.

6 This Part shall be known and may be cited as the "Idaho Telemedicine Access Act".

7 Section 2. Findings.

8 The legislature hereby finds the following:

9 (1) Telemedicine enhances access to care, particularly in rural locations and other medically
10 underserved areas; makes delivery of care more cost-effective; and distributes limited
11 Healthcare Provider resources more efficiently.

12 (2) Many patients with limited access to traditional health care can be diagnosed and treated
13 sooner through telemedicine than they would be otherwise, resulting in improved outcomes
14 and less costly treatments due to early detection and prevention.

15 (3) Telemedicine services could address an unmet need for healthcare by persons who have
16 limited access to healthcare due to Healthcare Provider shortages or geographic barriers.

17 (4) To achieve improvement in health outcomes, it is necessary to consider both patient safety
18 and access to care through expanding access to telemedicine services for the people of Idaho.

19 **Section 3. Definitions.**

20 **(1) "Telemedicine" means a mode of delivering healthcare services that utilizes information and**
21 **communication technologies to enable the diagnosis, consultation, treatment, education, care**
22 **management, and management of patients at a distance from Healthcare Providers. Telemedicine**
23 **allows services to be accessed when Healthcare Providers are in a distant site and patients are in the**
24 **originating site. Telemedicine includes synchronous interactions and asynchronous store and forward**
25 **transfers delivered over a secure connection that complies with state and federal security and privacy**
26 **laws.**

27 **(2) "Telehealth" is a broader term that includes the use of telecommunication technologies for clinical**
28 **care (telemedicine), and/or for patient teaching, home health, facilitation of patient self-management**
29 **and caregiver support for patients, physician and health care professional education (distance**
30 **learning), administrative and program planning, and other diverse aspects of a health care delivery**
31 **system.**

32 **(3) "Healthcare Provider" means a physician or non-physician practitioner who is licensed in Idaho to**
33 **deliver such healthcare consistent with their licensing and training.**

34 **(4) "Asynchronous store and forward transfer" means the transmission of a patient's medical**
35 **information from an originating site to the provider at the distant site without the patient being**
36 **present.**

37 **(5) "Synchronous interaction" means communication through interactive technology that enables a**
38 **Healthcare Provider and a patient at two locations separated by distance to interact via two-way**
39 **video and audio transmissions simultaneously.**

40 **(6) "Originating site" means the location of the patient at the time the service is furnished via a**
41 **telecommunications system or when the asynchronous store and forward transfer occurs.**

42 **(7) "Distant site" means the site at which the Healthcare Provider delivering the service is located at**
43 **the time the service is provided via a telecommunications system.**

44 Section 4. Requirements.

45 (1) All of the following shall apply to any Healthcare Provider practicing telemedicine as defined:

46 (a) The Healthcare Provider practicing telemedicine shall use the same standard of care as if the
47 healthcare services were provided in person.

48 (b) The Healthcare Provider practicing telemedicine shall not be required to conduct an in-
49 person patient history or physical examination of the patient before engaging in a telemedicine
50 encounter if the:

51 (i) Healthcare Provider holds an unrestricted license to practice in Idaho; and

52 (ii) Identity and credentials of the Healthcare Provider are disclosed to the patient; and

53 (iii) Evaluation of the identified patient is sufficient to identify the medical condition and
54 establish a diagnosis and course of treatment, and the standard of care is met for any
55 such diagnosis and course of treatment, and the patient consents to diagnosis and
56 treatment, thus establishing a relationship between the patient and Healthcare Provider
57 using telemedicine technology.

58 (2) Healthcare Providers with prescriptive authority prescribing medications during a telemedicine
59 encounter must evaluate the indication, appropriateness, and safety considerations for each
60 telemedicine prescription in accordance with current standards of practice and consequently carry the
61 same professional accountability as prescriptions delivered during an encounter in person.

62 (3) Healthcare Providers practicing telemedicine may be in any location when providing telemedicine
63 services to a patient provided they are licensed to practice in Idaho. The originating site can be frontier,
64 rural or urban.

65 (4) A Healthcare Provider practicing telemedicine shall document the telemedicine services rendered in
66 the patient's medical record according to the same standard as that required for non-telemedicine

67 services. Medical records including but not limited to video, audio, electronic, or other records
68 generated as a result of providing telemedicine services shall be considered as confidential and shall be
69 subject to all applicable state and federal laws and regulations relative to the privacy of health
70 information. Upon consent of the patient, the Healthcare Provider is required to share the patient's
71 medical records with other providers involved in the care of the patient to support and promote the
72 continuity of patient care.

73 Section 5. Telemedicine; rulemaking.

74 A. Each state agency or professional or occupational licensing board that regulates the practice of a
75 Healthcare Provider, as defined, may promulgate, in accordance with the Act, any rules necessary to
76 provide for, promote, and regulate the use of telemedicine in the delivery of healthcare services within
77 the scope of practice regulated by the licensing entity.

78 B. The rules shall, at a minimum, provide for all of the following:

79 (1) Application of all laws regarding the confidentiality of healthcare information and the
80 patient's rights to the patient's medical information created during telemedicine interactions.

81 (2) Application of the same standard of care by a Healthcare Provider as if the healthcare
82 services were provided in person.

83 (3) Healthcare Providers located outside of Idaho using telemedicine to provide healthcare
84 services to persons at originating sites in Idaho must be licensed in the State of Idaho.

85 C. Nothing in this Part shall be construed to authorize a state agency or professional or occupational
86 licensing board to expand, diminish, or alter the scope of practice of any Healthcare Provider.