

CHAPTER 341
SB 390 - FINAL VERSION

03/17/2022 0823s
4May2022... 1589h

2022 SESSION

22-3005
05/08

SENATE BILL

390

AN ACT relative to telemedicine and telehealth.

SPONSORS: Sen. Avard, Dist 12; Sen. Reagan, Dist 17; Sen. Hennessey, Dist 1; Sen. Carson, Dist 14; Rep. P. Schmidt, Straf. 19; Rep. Rice, Hills. 37; Rep. Knirk, Carr. 3; Rep. M. Pearson, Rock. 34; Rep. S. Pearson, Rock. 6

COMMITTEE: Health and Human Services

ANALYSIS

This bill revises the definition of telemedicine and telehealth in the context of the practitioner-patient relationship.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to telemedicine and telehealth.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 341:1 Telemedicine and Telehealth Services. Amend RSA 310-A:1-g, I and II to read as follows:

2 I. ***"Asynchronous interaction" means an exchange of information between a patient and a health***
3 ***care professional that does not occur in real time.***

4 I-a. ***"Synchronous interaction" means an exchange of information between a patient and a health***
5 ***care professional that occurs in real time.***

6 I-b. ***"Telemedicine" means the use of audio, video, or other electronic media and technologies by***
7 ***a health care professional in one location to a patient at a different location*** for the purpose of diagnosis,
8 consultation, or treatment, ***including the use of synchronous or asynchronous interactions.***

9 II. ***"Telehealth" means the use of audio, video, or other electronic media and technologies by a***
10 ***health care professional in one location to a patient at a different location*** for the purpose of diagnosis,
11 consultation, or treatment, ***including the use of synchronous or asynchronous interactions.***

12 341:2 New Paragraph; Telemedicine. Amend RSA 310-A:1-g by inserting after paragraph VI the
13 following new paragraph:

14 VII. Nothing in this section shall limit a provider's ability to diagnose, assess, or treat an individual
15 patient.

16 341:3 Pharmacists and Pharmacies; Definition of Practitioner-Patient Relationship. Amend RSA
17 318:1, XV-a to read as follows:

18 XV-a. ***"Practitioner-patient relationship" means a medical connection between a licensed***
19 ***practitioner and a patient that includes an in-person [or face-to-face 2-way real-time interactive***
20 ***communication] exam or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b, provided the***
21 ***health care practitioner: (i) verifies the identity of the patient receiving health care services through***
22 ***telemedicine; (ii) discloses to the patient the health care practitioner's name, contact information, and the***
23 ***type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent***
24 ***from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or***
25 ***guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner***
26 ***shall complete or review*** a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of
27 practice, and documentation of all prescription drugs including name and dosage. A practitioner may
28 prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the
29 following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a
30 patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis
31 for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship

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1 shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed
2 practitioner with whom the patient has a relationship.

3 341:4 Physicians and Surgeons; Physician-Patient Relationship. Amend RSA 329:1-c to read as
4 follows:

5 329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection
6 between a licensed physician and a patient that includes an in-person [~~or face-to-face 2-way real-time~~
7 ~~interactive communication~~] exam *or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b,*
8 *provided the physician: (i) verifies the identity of the patient receiving health care services through*
9 *telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health*
10 *occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the*
11 *patient's parent or guardian, if state law requires the consent of a parent or guardian for use of*
12 *telemedicine services; and (iv) meets the standard of care. A physician shall complete or review* a history,
13 a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all
14 prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee
15 does not have a physician-patient relationship under the following circumstances: writing admission
16 orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking
17 call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or
18 for medication on a short-term basis for a new patient prior to the patient's first appointment or when
19 providing limited treatment to a family member in accordance with the American Medical Association
20 Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be
21 unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient
22 relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire
23 licensed physician with whom the patient has a relationship.

24 341:5 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, I to read as follows:

25 I. "Telemedicine" means the use of audio, video, or other electronic media *and technologies by a*
26 *physician in one location to a patient in a different location* for the purpose of diagnosis, consultation, or
27 treatment, *including the use of synchronous or asynchronous interactions as defined in RSA 310-A:1-g.*

341:6 Effective Date. This act shall take effect upon its passage.

Approved: August 03, 2022
Effective Date: August 03, 2022