

Amendment to HB 500

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Telemedicine; Out of State Physicians. Amend RSA 329:1-d, III to read as follows:

4 III. ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled~~
5 ~~drug classified in schedule II through IV, except substance use disorder (SUD) treatment.~~
6 ~~Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the~~
7 ~~exemption.]~~ ***A physician licensed under this chapter may prescribe non-opioid and opioid***
8 ***controlled drugs classified in schedule II through IV by means of telemedicine after***
9 ***establishing a physician-patient relationship with the patient. When prescribing a non-***
10 ***opioid or opioid controlled drug classified in schedule II through IV by means of***
11 ***telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to***
12 ***prescribe the drug at intervals appropriate for the patient, medical condition, and drug,***
13 ***but not less than annually. The prescription authority under this paragraph shall be***
14 ***limited to a physician licensed under this chapter, or a physician assistant in accordance***
15 ***with RSA 328-D:3-b, and all prescribing shall be in compliance with all federal and state***
16 ***laws and regulations.***

17 2 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, I-a to read as follows:

18 I-a. "Advanced practice registered nurse-patient relationship" means a medical connection
19 between a licensed APRN and a patient that includes an in-person or ***telemedicine*** ~~[face-to-face 2-~~
20 ~~way real-time interactive communication]~~ exam, a history, a diagnosis, a treatment plan appropriate
21 for the licensee's medical specialty, and documentation of all prescription drugs including name and
22 dosage. A licensee may prescribe for a patient whom the licensee does not have an APRN-patient
23 relationship under the following circumstances: writing admission orders for a newly hospitalized
24 patient; for a patient of another licensee for whom the prescriber is taking call; for a patient
25 examined by another licensed practitioner; or for medication on a short-term basis for a new patient
26 prior to the patient's first appointment.

27 3 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, XII(a)-(c) to read as follows:

28 XII(a). "Telemedicine" means ~~[the use of audio, video, or other electronic media for the~~
29 ~~purpose of diagnosis, consultation, or treatment]~~ ***the use of audio, video, or other electronic***
30 ***media and technologies by a licensee in one location to a patient in a different location for***

1 *the purpose of diagnosis, consultation, or treatment, including the use of synchronous or*
2 *asynchronous interactions as defined in RSA 310-A:1.*

3 (b) An out-of-state APRN providing services by means of telemedicine shall be deemed to
4 be in the practice of medicine and shall be required to be licensed under this chapter.

5 (c) ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled~~
6 ~~drug classified in schedule II through IV except for use in substance use disorder treatment.]~~ *An*
7 *APRN licensed under this chapter may prescribe non-opioid and opioid controlled drugs*
8 *classified in schedule II through IV by means of telemedicine after establishing an*
9 *advanced practice registered nurse-patient relationship with the patient. When*
10 *prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by*
11 *means of telemedicine a subsequent in-person exam shall be conducted by a practitioner*
12 *licensed to prescribe the drug at intervals appropriate for the patient, medical condition,*
13 *and drug, but not less than annually. The prescription authority under this paragraph*
14 *shall be limited to an APRN licensed under this chapter, and all prescribing shall be in*
15 *compliance with all federal and state laws and regulations.*

16 4 Repeal. RSA 329:1-d, IV, relative to the prescribing of non-opioid controlled drugs, is repealed.

17 5 Repeal. RSA 326-B:2, XII(d), relative to the prescribing of non-opioid controlled drugs, is
18 repealed.

19 6 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill modifies the procedure for physicians, physician assistants and APRN's to prescribe certain non-opioid and opioid controlled drugs by means of telemedicine.