Amendment to HB 500

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 - 6 to read as 3 - 7, respectively:

2 Telemedicine; Consent. Amend RSA 329:1-d, V(b) and (c) to read as follows:

(b) Maintain a medical record; [and]
(c) Subject to the patient's consent, forward the medical record to the patient’s primary care or treating provider, if appropriate; and

(d) Obtain oral or written consent from the patient or, if the patient is a minor, from the patient's parent or guardian unless state or federal law allows a minor to consent to treatment without the consent of a parent or guardian, for the provision of services through telemedicine. For services delivered through telemedicine on an ongoing basis, the practitioner need obtain consent from the patient or parent or guardian only once.

Amend RSA 326-B:2, XII(c) as inserted by section 4 of the bill by replacing it with the following:

(c) [It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV except for use in substance use disorder treatment.] An APRN licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing an advanced practice registered nurse-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to an APRN licensed under this chapter, and all prescribing shall be in compliance with all federal and state laws and regulations. An APRN licensed under this chapter shall obtain oral or written consent from the patient or, if the patient is a minor, from the patient's parent or guardian unless state or federal law allows a minor to consent to treatment without the consent of a parent or guardian, for the provision of services through telemedicine. For services delivered through telemedicine on an ongoing basis, the practitioner need obtain consent from the patient or parent or guardian only once.
AMENDED ANALYSIS

This bill:

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

II. Clarifies the consent required to provide telemedicine services to a minor.