

House Research Act Summary

CHAPTER: 361

SESSION: 2002 Regular Session

TOPIC: Interstate telemedicine services

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Overview

This act requires physicians who are not licensed in Minnesota but who wish to provide interstate telemedicine services from another state to Minnesota patients to register with the Board of Medical Practice. The Board is authorized to discipline these registered physicians if they engage in grounds for disciplinary action.

1 **Interstate practice of telemedicine.** Adds § 147.032. Establishes requirements for registration by physicians to practice telemedicine, specifies exemptions from registration, and requires the Board to confirm a registered physician's licensure status in other jurisdictions and be notified of licensing actions by other jurisdictions.

Subd. 1. Requirements; registration. Allows a physician not licensed in Minnesota to provide medical care to a patient in Minnesota through telemedicine if:

the physician is licensed without restriction to practice medicine in the state from which the physician provides telemedicine services;

the physician has not had a license revoked or restricted in any other jurisdiction;

the physician does not open an office in Minnesota, meet with patients in Minnesota, or receive calls in Minnesota from patients; and

the physician annually registers with the Board of Medical Practice.

Specifies information that must be provided for registration, and requires payment of a \$75 annual registration fee and a \$100 application fee. Requires a physician registered under this section to notify the Board of any restrictions placed on the physician's license in another jurisdiction. Specifies that in registering, the physician agrees to be subject to state laws and courts and the Board's jurisdiction. Defines telemedicine.

Subd. 2. Exemptions from registration. Exempts a physician who provides telemedicine services from the registration requirements of this section if the services are provided in

response to an emergency medical condition, the services are provided on an irregular or infrequent basis, or the physician provides services in consultation with a Minnesota-licensed physician who keeps authority over the patient's diagnosis and care.

Subd. 3. Notification to other states. Requires the Board to confirm the licensure status in all jurisdictions in which a physician registered under this section has been licensed, and to be notified if adverse action is taken against the physician's license in another jurisdiction.

Subd. 4. Health records. Requires physicians practicing under this section to comply with the access to health records provisions in section 144.335.

- 2 **Unlawful practice of medicine.** Amends § 147.081, subd. 1. Amends a subdivision prohibiting the unlawful practice of medicine, to allow a person to practice medicine if the person is registered to provide interstate telemedicine services according to section 1. Current law requires a person to have a Minnesota license to practice medicine in Minnesota.
- 3 **Grounds listed.** Amends § 147.091, subd. 1. Expands the disciplinary authority of the Board, to allow the Board to refuse to register a physician to perform telemedicine services if the person engages in any of the prohibited conduct that is listed. Also makes it a ground for disciplinary action for physicians to provide interstate telemedicine services other than according to section 1.
- 4 **Forms of disciplinary action.** Amends § 147.141. Allows the Board to discipline a physician registered under section 1 to provide interstate telemedicine services. Allows the Board to revoke or suspend a physician's registration to provide interstate telemedicine services.
- 5 **Appropriation.** Appropriates \$4,000 in FY 2003 from the state government special revenue fund to the Board of Medical Practice to implement the telemedicine registration requirements for physicians.