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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1411

02/22/2021 Authored by Morrison and Howard
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; expanding telehealth; changing telemedicine to telehealth in
1.3 certain statutes; amending Minnesota Statutes 2020, sections 62A.671, subdivision
1.4 9; 147.032, subdivisions 1, 2; 147.033, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 62A.671, subdivision 9, is amended to read:

1.7 Subd. 9. **Telemedicine Telehealth.** ~~"Telemedicine" means the delivery of health care~~
1.8 ~~services or consultations while the patient is at an originating site and the licensed health~~
1.9 ~~care provider is at a distant site. A communication between licensed health care providers~~
1.10 ~~that consists solely of a telephone conversation, e-mail, or facsimile transmission does not~~
1.11 ~~constitute telemedicine consultations or services. A communication between a licensed~~
1.12 ~~health care provider and a patient that consists solely of an e-mail or facsimile transmission~~
1.13 ~~does not constitute telemedicine consultations or services. Telemedicine may be provided~~
1.14 ~~by means of real-time two-way, interactive audio and visual communications, including the~~
1.15 ~~application of secure video conferencing or store-and-forward technology to provide or~~
1.16 ~~support health care delivery, which facilitate the assessment, diagnosis, consultation,~~
1.17 ~~treatment, education, and care management of a patient's health care. "Telehealth" has the~~
1.18 meaning given in section 147.033, subdivision 1.

1.19 Sec. 2. Minnesota Statutes 2020, section 147.032, subdivision 1, is amended to read:

1.20 Subdivision 1. **Requirements; registration.** (a) For purposes of this section, "telehealth"
1.21 has the meaning given in section 147.033, subdivision 1.

2.1 ~~(a)~~ (b) A physician not licensed to practice medicine in this state may provide medical  
 2.2 services to a patient located in this state through interstate ~~telemedicine~~ telehealth if the  
 2.3 following conditions are met:

2.4 (1) the physician is licensed without restriction to practice medicine in the state from  
 2.5 which the physician provides ~~telemedicine~~ telehealth services;

2.6 (2) the physician has not had a license to practice medicine revoked or restricted in any  
 2.7 state or jurisdiction;

2.8 (3) the physician does not open an office in this state, does not meet with patients in this  
 2.9 state, and does not receive calls in this state from patients; and

2.10 (4) the physician annually registers with the board, on a form provided by the board.

2.11 ~~(b)~~ (c) To register with the board, a physician must:

2.12 (1) state the physician's intention to provide interstate ~~telemedicine~~ telehealth services  
 2.13 in this state;

2.14 (2) provide complete information on:

2.15 (i) all states and jurisdictions in which the physician is currently licensed;

2.16 (ii) any states or jurisdictions in which the physician was previously licensed;

2.17 (iii) any negative licensing actions taken previously against the physician in any state  
 2.18 or jurisdiction; and

2.19 (iv) other information requested by the board; and

2.20 (3) pay a registration fee of \$75 annually and an initial application fee of \$100.

2.21 ~~(e)~~ (d) A physician registered to provide interstate ~~telemedicine~~ telehealth services under  
 2.22 this section must immediately notify the board of restrictions placed on the physician's  
 2.23 license to practice in any state or jurisdiction.

2.24 ~~(d)~~ (e) In registering to provide interstate ~~telemedicine~~ telehealth services to state residents  
 2.25 under this section, a physician agrees to be subject to state laws, the state judicial system,  
 2.26 and the board with respect to providing medical services to state residents.

2.27 ~~(e)~~ For the purposes of this section, ~~telemedicine means the practice of medicine as~~  
 2.28 ~~defined in section 147.081, subdivision 3, when the physician is not in the physical presence~~  
 2.29 ~~of the patient.~~

2.30 (f) A physician providing medical services through interstate telehealth under this section  
 2.31 is engaged in the practice of medicine as defined in section 147.081, subdivision 3.

3.1 Sec. 3. Minnesota Statutes 2020, section 147.032, subdivision 2, is amended to read:

3.2 Subd. 2. **Exemptions from registration.** A physician who is not licensed to practice  
3.3 medicine in this state, but who holds a valid license to practice medicine in another state or  
3.4 jurisdiction, and who provides interstate ~~telemedicine~~ telehealth services to a patient located  
3.5 in this state is not subject to the registration requirement of subdivision 1, paragraph ~~(a)~~ (b),  
3.6 clause (4), if:

3.7 (1) the services are provided in response to an emergency medical condition. For the  
3.8 purposes of this section, an emergency medical condition means a condition, including  
3.9 emergency labor and delivery, that manifests itself by acute symptoms of sufficient severity,  
3.10 including severe pain, that the absence of immediate medical attention could reasonably be  
3.11 expected to result in placing the patient's health in serious jeopardy, serious impairment to  
3.12 bodily functions, or serious dysfunction of any body organ or part;

3.13 (2) the services are provided on an irregular or infrequent basis. For the purposes of this  
3.14 section, a person provides services on an irregular or infrequent basis if the person provides  
3.15 the services less than once a month or provides the services to fewer than ten patients  
3.16 annually; or

3.17 (3) the physician provides interstate ~~telemedicine~~ telehealth services in this state in  
3.18 consultation with a physician licensed in this state and the Minnesota physician retains  
3.19 ultimate authority over the diagnosis and care of the patient.

3.20 Sec. 4. Minnesota Statutes 2020, section 147.033, subdivision 1, is amended to read:

3.21 Subdivision 1. **Definition.** For the purposes of this section, "~~telemedicine~~" "telehealth"  
3.22 means the delivery of health care services or consultations ~~while the patient is at an~~  
3.23 ~~originating site and the licensed health care provider is at a distant site. A communication~~  
3.24 ~~between licensed health care providers that consists solely of a telephone conversation,~~  
3.25 ~~e-mail, or facsimile transmission does not constitute telemedicine consultations or services.~~  
3.26 ~~A communication between a licensed health care provider and a patient that consists solely~~  
3.27 ~~of an e-mail or facsimile transmission does not constitute telemedicine consultations or~~  
3.28 ~~services. Telemedicine may be provided by means of real-time two-way interactive audio,~~  
3.29 ~~and visual communications, including the application of secure video conferencing or~~  
3.30 ~~store-and-forward technology to provide or support health care delivery, that facilitate the~~  
3.31 ~~assessment, diagnosis, consultation, treatment, education, and care management of a patient's~~  
3.32 ~~health care. that occur between a provider at a distant site and a patient at an originating~~  
3.33 ~~site using electronic communications, information technology, store and forward technology,~~  
3.34 ~~or asynchronous or synchronous interaction. Telehealth does not include e-mails that are~~

4.1 noncompliant with the Health Insurance Portability and Accountability Act (HIPAA) or  
4.2 facsimile transmissions that are noncompliant with HIPAA.

4.3 Sec. 5. **REVISOR INSTRUCTION.**

4.4 The revisor of statutes must change the term "telemedicine" to "telehealth" wherever  
4.5 the term appears in Minnesota Statutes, chapters 62A and 147. The revisor of statutes may  
4.6 make any necessary changes to grammar or sentence structure to preserve the meaning of  
4.7 the text.