



# Understanding the Federal and State Landscape for Prescribing via Telehealth

Telehealth & Telemedicine Crash Course

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# Presented by

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# Topics for Discussion



1. What do I need to know about prescribing through telehealth?

2. Are there restrictions regarding the prescribing of controlled substances?

3. How does the opioid crisis affect the future of remote prescribing?

# What do I need to know about prescribing through telehealth?



## General Requirements:

### Licensure

- Most states require licensure within the state where the **patient** is located
- Generally, special licenses are not required to remote prescribe

### Patient-Practitioner Relationship

- Real-time audio/video technology
- Verify patient identity and location
- Disclose and validate provider's identity and credentials
- Comply with the standard of care
- Physical Examination or Consultation

# What do I need to know about prescribing through telehealth?



## Physical Examination or Consultation Requirement

### Delaware

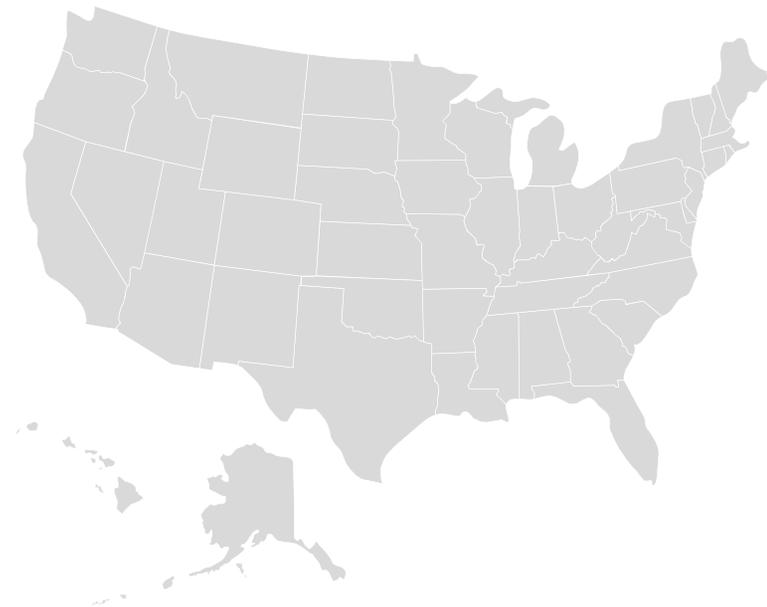
- In-person physical examination requirement
- “Has conducted at least 1 in-person medical evaluation of the patient and performed a medical history and physical examination . . .”

### New Jersey

- Physical Examination (not defined)
- “Perform an appropriate history and physical examination”

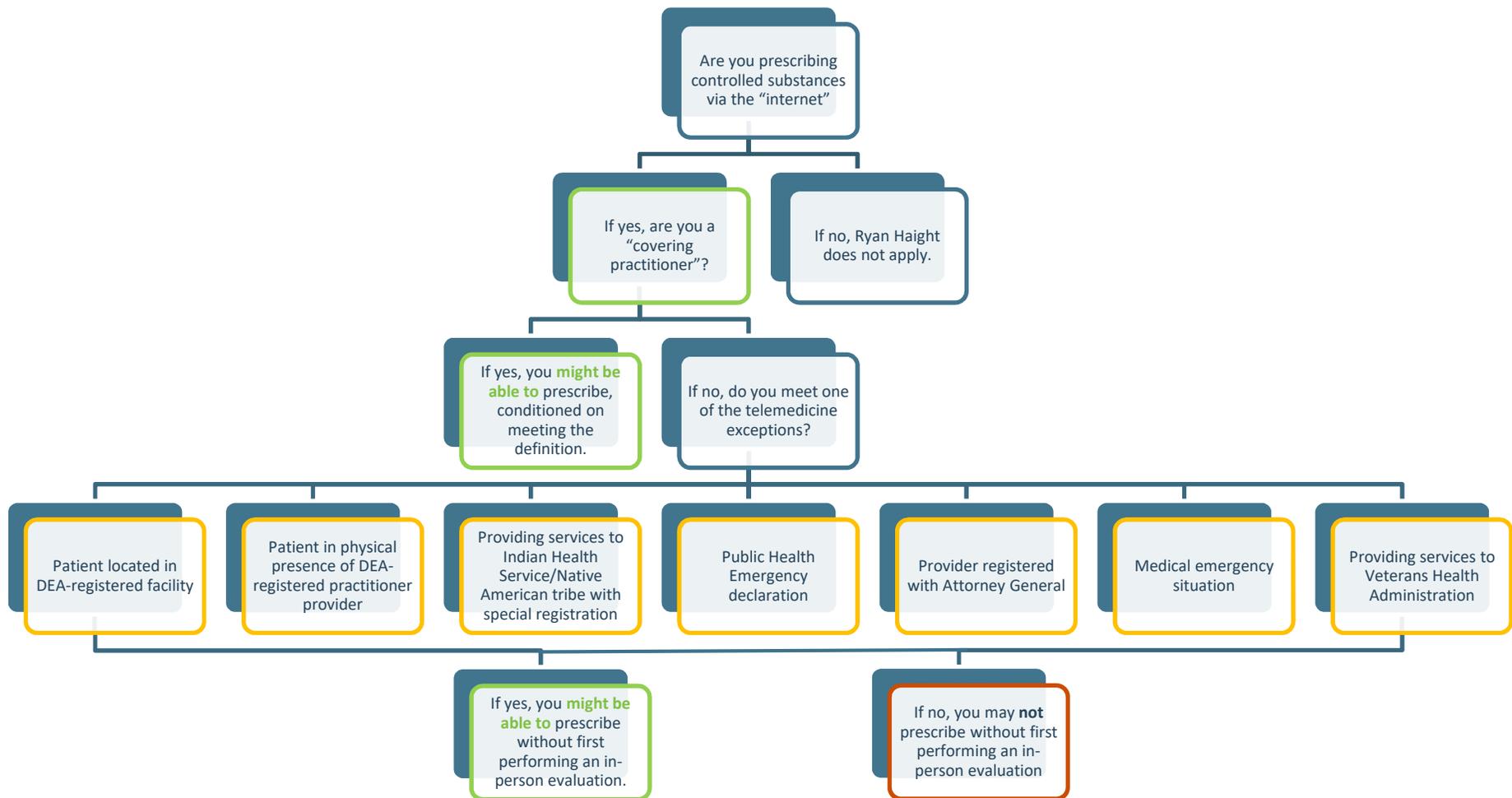
### South Carolina

- Examination by “Other Means”
- “Provid[ing] an appropriate evaluation prior to diagnosing and/or treating the patient, [] need not be done in-person if the licensee employs technology sufficient to accurately diagnose and treat in conformity with the applicable standard of care”





## Are there restrictions regarding the prescribing of controlled substances? Ryan Haight Online Pharmacy Consumer Protection Act of 2008



# How does the opioid crisis effect the future of remote prescribing?



Legislation on the Hill to combat opioid epidemic includes utilizing telehealth technologies to increase access to behavioral health specialists

- HR5603 Access to Telehealth Services for Opioid Use Disorders Act
- HR5483 Special Registration for Telemedicine Clarification Act of 2018
- S2680 Opioid Crises Response Act of 2018

CMS' opioid technology guidance incorporating President's Commission on Combating Drug Addiction and the Opioid Crisis final report (Nov. 1, 2017) singling out telemedicine as a useful tool to combat the opioid crisis

State legislation

- Connecticut SB 302
- Michigan SB 270

# Questions?



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# Upcoming Webinars

## Telehealth & Telemedicine Crash Course Series



- **Five Factors to Consider When Choosing Initial and Expansion States for Your Telehealth Practice**

Tuesday, July 17 at 2:00 – 2:15 p.m. ET

Presenter: Bradley S. Davidsen

- **Telehealth Portal Essentials**

Tuesday, July 24 at 2:00 – 2:15 p.m. ET

Presenter: Francesca R. Ozinal

To register, please visit: <http://www.ebglaw.com/events/>

**Thank you.**