

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 710 Session of 2023

INTRODUCED BY BROOKS, HUTCHINSON AND J. WARD, MAY 15, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, MAY 15, 2023

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for telemedicine prohibited
3 for medication safety.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 52C

9 TELEMEDICINE PROHIBITED FOR MEDICATION SAFETY

10 Sec.

11 52C01. Definitions.

12 52C02. Prohibition.

13 § 52C01. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Asynchronous interaction." An exchange of information
18 between a patient and a health care provider that does not occur
19 in real time, including the secure collection and transmission

1 of a patient's medical information, clinical data, clinical
2 images, laboratory results or self-reported medical history.

3 "Health care provider." A health care facility, medical
4 equipment supplier or person who is licensed, certified or
5 otherwise regulated to provide health care services under the
6 laws of this Commonwealth or another state.

7 "Risk evaluation and mitigation strategy." The medication
8 safety program administered by the United States Food and Drug
9 Administration under 21 U.S.C. § 355-1 (relating to risk
10 evaluation and mitigation strategies).

11 "Synchronous interaction." A two-way or multiple-way
12 exchange of information between a patient and a health care
13 provider that occurs in real time via audio or video
14 conferencing.

15 "Telemedicine." The delivery of health care services to a
16 patient by a health care provider who is at a different
17 location, through synchronous interactions, asynchronous
18 interactions or remote patient monitoring that meet the
19 requirements of the Health Insurance Portability and
20 Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936),
21 Health Information Technology for Economic and Clinical Health
22 Act (Public Law 111-5, 123 Stat. 226-279 and 467-496) or other
23 applicable Federal law or law of this Commonwealth regarding the
24 privacy and security of electronic transmission of health
25 information.

26 § 52C02. Prohibition.

27 A health care provider may not use telemedicine to prescribe
28 a patient located in this Commonwealth a medication for which
29 the United States Food and Drug Administration has issued a risk
30 evaluation and mitigation strategy.

1 Section 2. This act shall take effect in 60 days.