~~Chapter 28 Practice of Telemedicine~~

~~Definitions~~

~~100 For the purpose of Chapter 28 only, the following terms have the meanings indicated:~~

~~1. "Telemedicine" is the practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider. This definition does not include the practice of medicine through postal or courier services.~~

~~Licensure~~

~~200 The practice of medicine is deemed to occur in the location of the patient. Therefore only physicians holding a valid Mississippi license are allowed to practice telemedicine in Mississippi. However, a valid Mississippi license is not required where the evaluation, treatment and/or medicine given to be rendered by a physician outside of Mississippi is requested by a physician duly licensed to practice medicine in Mississippi, and the physician who has requested such evaluation, treatment and/or medical opinion has already established a doctor/patient relationship with the patient to be evaluated and/or treated.~~

~~Informed Consent~~

~~300 The physician using telemedicine should obtain the patient's informed consent before providing care via telemedicine technology. In addition to information relative to treatment, the patient should be informed of the risk and benefits of being treated via a telemedicine network including how to receive follow-up care or assistance in the event of an adverse reaction to treatment or if there is a telemedicine equipment failure.~~

~~Physician Patient Relationship~~

~~400 In order to practice telemedicine a valid "physician patient relationship" must be established. The elements of this valid relationship are:~~

- ~~verify that the person requesting the medical treatment is in fact who they claim to be;~~
- ~~conducting an appropriate examination of the patient that meets the applicable standard of care;~~
- ~~establishing a diagnosis through the use of accepted medical practices, ie., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;~~
- ~~discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;~~
- ~~insuring the availability of appropriate follow-up care; and~~
- ~~maintaining a complete medical record available to patient and other treating health care providers.~~

~~Examination~~

~~500 Physicians using telemedicine technologies to provide medical care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the same information to the physician as if the exam had been performed face to face.~~

~~Other exams may be appropriate if a licensed health care provider is on site with the patient and is able to provide various physical findings that the physician needs to complete an adequate assessment. However a simple questionnaire without an appropriate exam is in violation of this policy and may subject the physician to discipline by the Board.~~

~~Medical Records~~

~~600 The physician treating a patient through a telemedicine network must maintain a complete record of the patient's care. The physician must maintain the record's confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating physician and a telemedicine physician for the same medical condition, then the primary physician's medical record and the telemedicine physician's record constitute one complete patient record.~~