

1st Sub. H.B. 0340
TELEHEALTH REVISIONS

Representative **Lynn N. Hemingway** proposes the following amendments:

1. *Page 1, Lines 21 through 24:*

- 21 ▶ requires a legislative study; and
22 ▶ describes responsibilities of a provider offering telehealth services {~~;~~~~and~~} and
23{—————▶—————amends the Electronic Prescribing Act to restrict certain prescriptions in conjunction
24 with telehealth services.}

2. *Page 2, Line 32:*

{~~32 —————~~ 58-82-201, as last amended by Laws of Utah 2012, Chapter 160}

3. *Page 3, Lines 64 through 65:*

- 64 (b) the reimbursement methodology for the telemedicine services designated under
65 Subsection (3)(a).

(4) Prescriptions issued through electronic prescribing for a drug or treatment to cause an abortion, except in the cases of rape, incest, or if the life of the mother would be endangered without an abortion, are not eligible for reimbursement under the Medicaid program.

4. *Page 8, Line 213 through Page 9, Line 252:*

- {~~213 —————~~ Section 9. Section 58-82-201 is amended to read:
214 ~~————~~ 58-82-201. Electronic prescriptions -- Restrictions -- Rulemaking authority:
215 ~~————~~ (1) Subject to the provisions of this section, a practitioner shall:
216 ~~————~~ (a) provide each existing patient of the practitioner with the option of participating in
217 electronic prescribing for prescriptions issued for the patient, if the practitioner prescribes a
218 drug or device for the patient on or after July 1, 2012; and
219 ~~————~~ (b) offer the patient a choice regarding to which pharmacy the practitioner will issue
220 the electronic prescription.
221 ~~————~~ (2) A practitioner may not issue a prescription through electronic prescribing for a
222 drug, device, or federal controlled substance that the practitioner is prohibited by federal law or
223 federal rule from issuing through electronic prescribing.
224 ~~————~~ (3) A pharmacy shall:
225 ~~————~~ (a) accept an electronic prescription that is transmitted in accordance with the
226 requirements of this section and division rules; and
227 ~~————~~ (b) dispense a drug or device as directed in an electronic prescription described in

228 Subsection (3)(a):
229 ——— (4) ~~The division shall make rules to ensure that:~~
230 ~~—— (a) except as provided in Subsection (6), practitioners and pharmacies comply with this~~
231 ~~section;~~
232 ~~—— (b) electronic prescribing is conducted in a secure manner, consistent with industry~~
233 ~~standards; and~~
234 ~~—— (c) each patient is fully informed of the patient's rights, restrictions, and obligations~~
235 ~~pertaining to electronic prescribing.~~
236 ——— (5) ~~An entity that facilitates the electronic prescribing process under this section shall:~~
237 ~~—— (a) transmit to the pharmacy the prescription for the drug prescribed by the prescribing~~
238 ~~practitioner however, this Subsection (5)(a) does not prohibit the use of an electronic~~
239 ~~intermediary if the electronic intermediary does not over-ride a patient's or prescriber's choice~~
240 ~~of pharmacy;~~
241 ~~—— (b) transmit only scientifically accurate, objective, and unbiased information to~~
242 ~~prescribing practitioners; and~~
243 ~~—— (c) allow a prescribing practitioner to electronically override a formulary or preferred~~
244 ~~drug status when medically necessary.~~
245 ——— (6) ~~The division may, by rule, grant an exemption from the requirements of this section~~
246 ~~to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can establish, to~~
247 ~~the satisfaction of the division, that compliance with the requirements of this section would~~
248 ~~impose an extreme financial hardship on the pharmacy or practitioner.~~
249 ~~—— (7) A practitioner treating a patient through telehealth services, as described in Title 26,~~
250 ~~Chapter 58, Telehealth Act, may not issue a prescription through electronic prescribing for a~~
251 ~~drug or treatment to cause an abortion, except in cases of rape, incest, or if the life of the~~
252 ~~mother would be endangered without an abortion.~~ }