

## HB0152S01 compared with HB0152

~~deleted text~~ shows text that was in HB0152 but was deleted in HB0152S01.

inserted text shows text that was not in HB0152 but was inserted into HB0152S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative James A. Dunnigan proposes the following substitute bill:

### ONLINE PRESCRIBING, DISPENSING, AND FACILITATION LICENSING ACT REPEALER

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill repeals the Online Prescribing, Dispensing, and Facilitation Licensing Act. ~~text~~

##### Highlighted Provisions:

This bill:

- ▶ repeals Title 58, Chapter 83, Online Prescribing, Dispensing, and Facilitation Licensing Act; and
- ▶ makes conforming changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

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None

### Utah Code Sections Affected:

#### AMENDS:

**26-60-103**, as last amended by Laws of Utah 2021, Chapter 64

#### REPEALS:

**58-83-101**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-102**, as last amended by Laws of Utah 2022, Chapter 415

**58-83-201**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-301**, as last amended by Laws of Utah 2022, Chapter 274

**58-83-302**, as last amended by Laws of Utah 2022, Chapter 415

**58-83-303**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-305**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-306**, as last amended by Laws of Utah 2015, Chapter 321

**58-83-307**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-308**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-401**, as last amended by Laws of Utah 2022, Chapter 415

**58-83-501**, as enacted by Laws of Utah 2010, Chapter 180

**58-83-502**, as last amended by Laws of Utah 2022, Chapter 415

**58-83-503**, as enacted by Laws of Utah 2010, Chapter 180

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-60-103** is amended to read:

**26-60-103. Scope of telehealth practice.**

(1) A provider offering telehealth services shall:

(a) at all times:

(i) act within the scope of the provider's license under Title 58, Occupations and Professions, in accordance with the provisions of this chapter and all other applicable laws and rules; and

(ii) be held to the same standards of practice as those applicable in traditional health care settings;

(b) if the provider does not already have a provider-patient relationship with the

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patient, establish a provider-patient relationship during the patient encounter in a manner consistent with the standards of practice, determined by the Division of Professional Licensing in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including providing the provider's licensure and credentials to the patient;

(c) before providing treatment or prescribing a prescription drug, establish a diagnosis and identify underlying conditions and contraindications to a recommended treatment after:

(i) obtaining from the patient or another provider the patient's relevant clinical history; and

(ii) documenting the patient's relevant clinical history and current symptoms;

(d) be available to a patient who receives telehealth services from the provider for subsequent care related to the initial telemedicine services, in accordance with community standards of practice;

(e) be familiar with available medical resources, including emergency resources near the originating site, in order to make appropriate patient referrals when medically indicated;

(f) in accordance with any applicable state and federal laws, rules, and regulations, generate, maintain, and make available to each patient receiving telehealth services the patient's medical records; and

(g) if the patient has a designated health care provider who is not the telemedicine provider:

(i) consult with the patient regarding whether to provide the patient's designated health care provider a medical record or other report containing an explanation of the treatment provided to the patient and the telemedicine provider's evaluation, analysis, or diagnosis of the patient's condition;

(ii) collect from the patient the contact information of the patient's designated health care provider; and

(iii) within two weeks after the day on which the telemedicine provider provides services to the patient, and to the extent allowed under HIPAA as that term is defined in Section 26-18-17, provide the medical record or report to the patient's designated health care provider, unless the patient indicates that the patient does not want the telemedicine provider to send the medical record or report to the patient's designated health care provider.

(2) Subsection (1)(g) does not apply to prescriptions for eyeglasses or contacts.

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~~§(3) Except as specifically provided in Title 58, Chapter 83, Online Prescribing, Dispensing, and Facilitation Licensing Act, and unless a provider has established a provider-patient relationship with a patient, a~~ LA provider offering telemedicine services may not diagnose a patient, provide treatment, or prescribe a prescription drug based solely on one of the following: ~~§~~

~~§(a) an online questionnaire; §~~

~~§(b) an email message; or §~~

~~§(c) a patient-generated medical history. §~~

~~§(4) §(3)~~ A provider may not offer telehealth services if:

(a) the provider is not in compliance with applicable laws, rules, and regulations regarding the provider's licensed practice; or

(b) the provider's license under Title 58, Occupations and Professions, is not active and in good standing.

Section 2. **Repealer.**

This bill repeals:

Section **58-83-101, Title.**

Section **58-83-102, Definitions.**

Section **58-83-201, Board.**

Section **58-83-301, Licensure required -- Issuance of licenses.**

Section **58-83-302, Qualifications for licensure.**

Section **58-83-303, Term of license -- Expiration -- Renewal.**

Section **58-83-305, Duties and responsibilities.**

Section **58-83-306, Drugs approved for online prescribing, dispensing, and facilitation -- Delivery of prescription drugs.**

Section **58-83-307, Approval of additional drugs -- Request to facilitate.**

Section **58-83-308, Audits.**

Section **58-83-401, Grounds for denial of license -- Disciplinary proceedings -- Termination of authority to prescribe -- Immediate and significant danger.**

Section **58-83-501, Practice without a license.**

Section **58-83-502, Unprofessional conduct.**

Section **58-83-503, Unlawful conduct.**

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