**AGENCY NAME**
Mississippi State Board of Medical Licensure

**CONTACT PERSON**
Rhonda Freeman

**TELEPHONE NUMBER**
(601) 987-3079

**ADDRESS**
1867 Crane Ridge Drive, Suite 200-B

**CITY**
Jackson

**STATE**
MS

**ZIP**
39216

**SUBMIT DATE**
12/11/17

**Name or number of rule(s):**
Part 2635 Chapter 5: Telemedicine, Rule 5.7

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Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Rule 5.7 is being amended to include Level Two Hospital Trauma Centers.

Specific legal authority authorizing the promulgation of rule: 73-43-11

List all rules repealed, amended, or suspended by the proposed rule: Part 2635 Chapter 5: Telemedicine

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**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

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**ECONOMIC IMPACT STATEMENT:**

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

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**TEMPORARY RULES**

— Original filing
— Renewal of effectiveness
To be in effect in _____ days
Effective date: _____
— Immediately upon filing
— Other (specify): _____

**PROPOSED ACTION ON RULES**

Action proposed:
— New rule(s)
— Amendment to existing rule(s)
— Repeal of existing rule(s)
— Adoption by reference

Proposed final effective date:
— 30 days after filing
— Other (specify): _____

**FINAL ACTION ON RULES**

Date Proposed Rule Filed: _____
Action taken:
— Adopted with no changes in text
— Adopted with changes
— Adopted by reference
— Withdrawn
— Repeal adopted as proposed
Effective date:
— 30 days after filing
— Other (specify): _____

Printed name and Title of person authorized to file rules: Rhonda Freeman

Signature of person authorized to file rules: [Signature]

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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.
Part 2635 Chapter 5: Practice of Telemedicine

Rule 5.1 Definitions. For the purpose of Part 2635, Chapter 5 only, the following terms have the meanings indicated:

A. “Physician” means any person licensed to practice medicine or osteopathic medicine in the state of Mississippi.

B. 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.

C. Telemergency medicine” is a unique combination of telemedicine and the collaborative/consultative role of a physician board certified in emergency medicine, and an appropriate skilled health professional (nurse practitioner or physician assistant).


Rule 5.2 Licensure. 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. The interpretation of clinical laboratory studies as well as pathology and histopathology studies performed by physicians without Mississippi licensure is not the practice of telemedicine provided a Mississippi licensed physician is responsible for accepting, rejecting, or modifying the interpretation. The Mississippi licensed physician must maintain exclusive control over any subsequent therapy or additional diagnostics.


Rule 5.3 Informed Consent. 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.


Rule 5.4 Physician Patient Relationship. In order to practice telemedicine a valid “physician patient relationship” must be established. The elements of this valid relationship are:

A. verify that the person requesting the medical treatment is in fact who they claim to be;

B. conducting an appropriate history and physical examination of the patient that meets the applicable standard of care;

C. establishing a diagnosis through the use of accepted medical practices, i.e., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;

D. discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;

E. insuring the availability of appropriate follow-up care; and

F. maintaining a complete medical record available to patient and other treating health care providers.
Rule 5.5 Examination.  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.

Rule 5.6 Medical Records. 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.

Rule 5.7 Collaborative/Consultative Physician Limited. No physician practicing teleemergency medicine shall be authorized to function in a collaborative/consultative role as outlined in Part 2630, Chapter 1 unless his or her practice location is a Level One or Level Two Hospital Trauma Center that is able to provide continuous twenty-four hour coverage and has an existing air ambulance system in place. Coverage will be authorized only for those emergency departments of licensed hospitals who have an average daily census of thirty (30) or fewer acute care/medical surgical occupied beds as defined by their Medicare Cost Report.

Rule 5.8 Reporting Requirements. Annual reports detailing quality assurance activities, adverse or sentinel events shall be submitted for review to the Mississippi State Board of Medical Licensure by all institutions and/or hospitals operating teleemergency programs.

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*Source: Miss. Code Ann. §73-25-34 (1972, as amended).*

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