

Georgia

Telemedicine Rules Specify State License, Allow Exceptions to In-Person Exam Rule

Doctors who provide telemedicine services to patients in Georgia must be licensed in the state and, in many cases, will be required to have a referral from another physician who has seen the patient in person, according to new state regulations that took effect May 3.

The rule (360-3-.07) was approved by the Georgia Composite Medical Board at its April 3 meeting and states that any physician, physician's assistant or advanced practice registered nurse must be licensed in Georgia in order to provide treatment or consultation to patients in Georgia via electronic means.

'In-Person' Rule Allows Exceptions. Prior to providing care remotely, physicians, PAs or APRNs must have either seen the patient in person or have a referral from another physician, PA or APRN who has seen the patient in person.

The "in person" rule allows exceptions in cases where a patient has been referred by certain types of providers and agencies, such as public school nurses, a community mental health center, the Department of Family and Children's Services or law enforcement.

The rule also includes a broad exception to the in-person encounter requirement if the care provider "is able to examine the patient using technology and peripherals that are equal or superior to an examination done personally by a provider within that provider's standard of care."

Rule Promotes Doctor-Patient Relationship. The requirement for an initial in-person examination is key to ensuring patients receive high-quality care and aren't misdiagnosed or prescribed medications that are inappropriate for their conditions, John Antalis, a physician and board member of the Georgia Composition Medical Board, told Bloomberg BNA.

"Someone examines the patient. Someone touches the patient. That is one of the key parts of our rule," Antalis said May 14. "We still want to maintain the patient-physician relationship."

In the early stages of rulemaking, the board considered requiring that physicians must have seen patients in person prior to the provision of telemedicine ser-

vices, with few or no exceptions, but adjusted the language on the advice of the Medical Association of Georgia and other groups, Matthews Gwynn, an Atlanta-area neurologist and board secretary for MAG, told Bloomberg BNA.

"As a neurologist providing care for stroke patients in emergency situations, I've never seen these patients before, so I said you have to have a mechanism to allow us to see these patients de novo," Gwynn said May 8. "This version of the rules does that" by allowing him to examine patients remotely based on the referral of a physician who has seen them in person, he said.

Consumer Group Urged Revisions. Georgia Watch, a consumer advocacy group, also successfully urged revisions along the way, Beth Stephens, director of the group's Health Access Program, told Bloomberg BNA.

The group had submitted comments to the medical board in late 2012 opposing a proposal that would require a supervising physician to see a patient in person before a PA or APRN could treat the patient via telemedicine. The board removed that language before approving the final version of the rule.

"Our concern was not wanting APRNs to be more restricted in using this technology than the physician would be," Stephens said May 15.

The group traditionally advocates for more open telemedicine policies as a way to improve access to health care for residents of rural Georgia, where doctors, particularly specialists, are scarce.

"Telemedicine isn't a replacement for the in-person doctor-patient relationship, but it is an improvement on a patient's ability to access care from doctors who are far away," Stephens said.

Pain Pill Misuse Sparked Concern. One primary motivator for adopting the new rule was the growing abuse of prescription pain medication, Gwynn said. By requiring telemedicine providers to submit to oversight by the state of Georgia, the medical board is aiming to block the ability of unscrupulous online companies to sell prescriptions on demand, he said.

The new regulation specifies, "This rule does not authorize the prescription of controlled substances for the treatment of pain or chronic pain by electronic or other such means."

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