



Sen. Pamela J. Althoff

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10000SB1811sam001

LRB100 09639 MRW 23249 a

1 AMENDMENT TO SENATE BILL 1811

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1811 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Medical Practice Act of 1987 is amended by  
5 changing Section 49.5 as follows:

6 (225 ILCS 60/49.5)

7 (Section scheduled to be repealed on December 31, 2017)

8 Sec. 49.5. Telemedicine.

9 (a) The General Assembly finds and declares that because of  
10 technological advances and changing practice patterns the  
11 practice of medicine is occurring with increasing frequency  
12 across state lines and that certain technological advances in  
13 the practice of medicine are in the public interest. The  
14 General Assembly further finds and declares that the practice  
15 of medicine is a privilege and that the licensure by this State  
16 of practitioners outside this State engaging in medical

1 practice within this State and the ability to discipline those  
2 practitioners is necessary for the protection of the public  
3 health, welfare, and safety.

4 (b) A person who engages in the practice of telemedicine  
5 without a license issued under this Act shall be subject to  
6 penalties provided in Section 59.

7 (b-2) All of the following shall apply to any physician  
8 practicing telemedicine:

9 (1) The physician practicing telemedicine shall use  
10 the same standard of care as if the healthcare services  
11 were provided in person.

12 (2) The physician practicing telemedicine shall not be  
13 required to conduct an in-person patient history or  
14 physical examination of the patient before engaging in a  
15 telemedicine encounter if the physician satisfies all of  
16 the following conditions:

17 (A) holds an unrestricted license to practice  
18 medicine issued under this Act;

19 (B) has access to the patient's medical records  
20 upon consent of the patient;

21 (C) creates a medical record on each patient and  
22 makes the record available to the Department upon  
23 request; and

24 (D) if necessary, provides a referral to a  
25 physician in this State or arranges follow-up care in  
26 this State as may be indicated.

1       (b-4) Except as authorized by rule adopted by the  
2 Department, no physician practicing telemedicine under this  
3 Section shall prescribe any controlled substance prior to  
4 conducting an appropriate in-person patient history or  
5 physical examination of the patient as determined by the  
6 Department.

7       (b-6) A patient receiving telemedicine services may be in  
8 any location at the time that telemedicine services are  
9 rendered. A physician practicing telemedicine services may be  
10 in any location when providing telemedicine services to a  
11 patient. A physician practicing telemedicine may utilize  
12 interactive audio without the requirement of video if, after  
13 access and review of the patient's medical records, the  
14 physician determines that he or she is able to meet the same  
15 standard of care as if the healthcare services were provided in  
16 person.

17       (b-8) A physician practicing telemedicine shall document  
18 the telemedicine services rendered in the patient's medical  
19 records according to the same standard as that required for  
20 nontelemedicine services. Medical records including, but not  
21 limited to, video, audio, electronic, or other records  
22 generated as a result of providing telemedicine services shall  
23 be considered as confidential and shall be subject to all  
24 applicable State and federal laws, rules, and regulations  
25 relative to the privacy of health information.

26       (c) For purposes of this Act, "telemedicine" means the

1 performance of any of the activities listed in Section 49,  
2 including but not limited to rendering written or oral opinions  
3 concerning diagnosis or treatment of a patient in Illinois by a  
4 person located outside the State of Illinois as a result of  
5 transmission of individual patient data by telephonic,  
6 electronic, or other means of communication from within this  
7 State. "Telemedicine" does not include the following:

8 (1) periodic consultations between a person licensed  
9 under this Act and a person outside the State of Illinois;

10 (2) a second opinion provided to a person licensed  
11 under this Act; and

12 (3) diagnosis or treatment services provided to a  
13 patient in Illinois following care or treatment originally  
14 provided to the patient in the state in which the provider  
15 is licensed to practice medicine.

16 (d) Whenever the Department has reason to believe that a  
17 person has violated this Section, the Department may issue a  
18 rule to show cause why an order to cease and desist should not  
19 be entered against that person. The rule shall clearly set  
20 forth the grounds relied upon by the Department and shall  
21 provide a period of 7 days from the date of the rule to file an  
22 answer to the satisfaction of the Department. Failure to answer  
23 to the satisfaction of the Department shall cause an order to  
24 cease and desist to be issued immediately.

25 (e) An out-of-state person providing a service listed in  
26 Section 49 to a patient residing in Illinois through the

1 practice of telemedicine submits himself or herself to the  
2 jurisdiction of the courts of this State.

3 (Source: P.A. 90-99, eff. 1-1-98.)

4 Section 96. No revival or extension. This Act does not  
5 revive or extend any Section or Act otherwise repealed.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".