

Enrolled
Senate Bill 232

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CHAPTER

AN ACT

Relating to the practice of medicine via remote means; creating new provisions; amending ORS 677.080 and 677.137 and section 14, chapter 45, Oregon Laws 2022; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 677.080, as amended by section 2, chapter 62, Oregon Laws 2022, is amended to read:

677.080. A person may not:

(1) Knowingly make any false statement or representation on a matter, or willfully conceal any fact material to the right of the person to practice medicine or to obtain a license under this chapter.

(2) Sell or fraudulently obtain or furnish any medical and surgical diploma, license, record or registration, or aid or abet in the same.

(3) Impersonate anyone to whom a license has been granted by the Oregon Medical Board.

(4) Except as provided in ORS 677.060 **and 677.137** and section 1, chapter 62, Oregon Laws 2022, practice medicine in this state without a license required by this chapter.

SECTION 2. ORS 677.137 is amended to read:

677.137. (1) A person may not engage in the practice of medicine across state lines, claim qualification to engage in the practice of medicine across state lines or use any title, word or abbreviation to indicate or to induce another to believe that the person is licensed to engage in the practice of medicine across state lines unless the person is licensed in accordance with ORS 677.139.

(2) ORS 677.135 to 677.141 do not apply to a physician or physician assistant engaging in the practice of medicine across state lines in an emergency, as defined by rule of the Oregon Medical Board.

(3) ORS 677.135 to 677.141 do not apply to a licensed physician or physician assistant located outside this state who:

(a)(A) Consults with another physician or physician assistant licensed to practice medicine in this state; and

[(b)] (B) Does not undertake the primary responsibility for diagnosing or rendering treatment to a patient within this state[.];

[(4) ORS 677.135 to 677.141 do not apply to a licensed physician or physician assistant located outside this state who]

(b) Has an established [*physician-patient*] **provider-patient** relationship with a [*person*] **patient** who is in Oregon temporarily **for the purpose of business, education, vacation or work** and who requires the direct medical treatment by that physician or physician assistant[.]; **or**

(c) **Has, with a patient located in Oregon, an established provider-patient relationship to provide temporary or intermittent follow-up care.**

(4) **A physician or physician assistant who is located outside this state and practices medicine as described in subsection (3) of this section is subject to this chapter and rules adopted pursuant to this chapter, including but not limited to the disciplinary authority of the board, while or as a result of practicing medicine as described in subsection (3) of this section.**

(5) **The board may adopt rules to carry out this section.**

SECTION 3. Section 14, chapter 45, Oregon Laws 2022, is amended to read:

Sec. 14. (1) As used in this section, “telemedicine” means the **practice of medicine and** provision of health care services to a patient by a physician or physician assistant from a distance using electronic communications, including synchronous technologies to facilitate an exchange of information between a patient and physician or physician assistant in real time or asynchronous technologies to facilitate an exchange of information between a patient and a physician or physician assistant in other than real time.

(2) A physician licensed under ORS 677.100 to 677.228, a physician assistant licensed under ORS 677.505 to 677.525 or a physician or physician assistant licensed under ORS 677.139 may use telemedicine to **engage in the practice of medicine and** provide health care services, including the establishment of a [*patient-provider*] **provider-patient** relationship, the diagnosis or treatment of a medical condition or the prescription of drugs, to a patient physically located in this state. The physician or physician assistant is not required to be physically located in this state when **engaging in the practice of medicine and** providing health care services through telemedicine.

(3) **The practice of medicine using telemedicine occurs where the patient is physically located.**

SECTION 4. (1) **The amendments to ORS 677.080 and 677.137 and section 14, chapter 45, Oregon Laws 2022, by sections 1 to 3 of this 2023 Act become operative on January 1, 2024.**

(2) **The Oregon Medical Board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by the amendments to ORS 677.080 and 677.137 and section 14, chapter 45, Oregon Laws 2022, by sections 1 to 3 of this 2023 Act.**

SECTION 5. **This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.**

Passed by Senate February 7, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State