

## HB 3727 -2 STAFF MEASURE SUMMARY

### House Committee On Behavioral Health and Health Care

---

**Prepared By:** Brian Nieubuurt, LPRO Analyst

**Meeting Dates:** 3/13, 4/1

---

#### WHAT THE MEASURE DOES:

The measure permits a physician or physician associate to use telemedicine to provide health care service to a patient who is temporarily out of state. Specifies that practice must be of a temporary, urgent or emergent nature, or in service of ensuring continuity of care to the patient; there be an existing patient-provider relationship; the provider notify the Oregon Medical Board in writing regarding the provision of services as soon as practicable; and the provider make themselves available to consult with a provider who is licensed in the jurisdiction where the patient is temporarily located.

*FISCAL: May have fiscal impact, but no statement yet issued.*

*REVENUE: May have revenue impact, but no statement yet issued.*

#### ISSUES DISCUSSED:

- Expansion of telemedicine use during COVID-19 pandemic.
- Current limitations in Oregon's telemedicine laws and potential negative impacts for care continuity.

#### EFFECT OF AMENDMENT:

-2 Removes requirement that provider notify OMB and make themselves available for consult. Clarifies that provider use telemedicine is subject to the laws of state in which the patient is located at the time services are provided.

*FISCAL: Has minimal fiscal impact*

*REVENUE: No revenue impact*

#### BACKGROUND:

Telemedicine is the practice of medicine using secure videoconferencing or other appropriate technology when the provider and patient are in different locations. The public health emergency declared by the U. S. Department of Health and Human Services (HHS) during the COVID-19 pandemic allows more flexibility for the practice of telemedicine. According to the National Center for Health Statistics, the COVID-19 pandemic increased the use of telemedicine, with 37 percent of adults accessing care via telemedicine in 2021.

The Oregon Medical Board (OMB) regulates the practice of medicine in Oregon, including licensure and other requirements for providers who practice medicine and telemedicine in the state. In its Statement of Philosophy on Telemedicine, OMB defines telemedicine as the practice of medicine through means of electronic communication or information technology between a health care provider at one location and a patient in another location. OMB requires that the same standards of care be met regardless of the delivery method (in-person or via telemedicine). Senate Bill 232 (2023) formalized the OMB authority over the practice of telemedicine in Oregon; specifying that the practice of medicine using telemedicine occurs where the patient is physically located.

House Bill 3727 permits a physician or physician associate to use telemedicine to provide health care service to a patient who is temporarily out of state.