

# 2020 South Dakota Legislature

## Senate Bill Draft 197

*Introduced by:*

1 **An Act to revise certain provisions regarding the use of telehealth technologies.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 34-52-1 be AMENDED:

4 **34-52-1. Definitions.**

5 Terms used in this chapter mean:

- 6 (1) "Health care professional," as defined in § 58-17F-1;
- 7 (2) "Health care facility," any office or institution where health services are provided,  
8 including any hospital, clinic, ambulatory surgery center, outpatient care facility,  
9 nursing home, assisted living facility, laboratory, or office of a health care  
10 professional;
- 11 (3) "Originating site," a site where a patient is located at the time health care services  
12 are delivered to the patient via telehealth;
- 13 (4) "Store-and-forward technology," secure electronic information, imaging, or data,  
14 including audio, video, and data communication that is transferred or recorded or  
15 otherwise stored for asynchronous delivery of health care services to a patient; and
- 16 (5) "Telehealth," the use of secure electronic information, imaging, and communication  
17 technologies by a health care professional to deliver health care services to a  
18 patient, including interactive audio-video, interactive audio with store and forward,  
19 store-and-forward technology, and remote patient monitoring. Telehealth does not  
20 include the delivery of health care services through electronic means under the  
21 provisions of chapter 27A-10, or the delivery of health care services through an  
22 audio-only telephone, electronic mail message, text message, mail service,  
23 facsimile transmission, or any combination thereof.

24 **Section 2.** That § 34-52-6 be AMENDED:

25 **34-52-6. Prescribing drugs.**

26 Without a ~~prior and~~ proper provider-patient relationship, a health care professional  
27 using telehealth may not prescribe a controlled drug or substance, as defined by § 34-

- 1 20B-3, solely in response to an internet questionnaire or consult, including any encounter
- 2 via telephone.