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### What is the definition of “telemedicine” or “telehealth”?

A Mississippi statute regarding professional licensure requirements defines “telemedicine” as “the practice of medicine across state lines,” including one or both of the following:

“(a) Rendering of a medical opinion concerning diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or his agent; or

(b) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or his agent.”

[MISS. CODE ANN. § 73-25-34\(1\).](#)

A Mississippi statute regarding insurance coverage defines “telemedicine” as “the delivery of health care services such as diagnosis, consultation, or treatment through the use of interactive audio, video, or other electronic media. Telemedicine must be ‘real-time’ consultation, and it does not include the use of audio-only telephone, e-mail, or facsimile.”

[MISS. CODE ANN. § 83-9-351\(1\)\(d\).](#)

## PSYCHIATRISTS

### What are the restrictions on the scope of practice for psychiatrists practicing via telemedicine/telehealth?

Mississippi’s telemedicine regulations were updated in March 2017 and provide the following:

Physicians using telemedicine technologies to provide care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the adequate information needed by the physician as if the exam had been performed face-to-face.

The management of chronic illnesses requires the evaluation of laboratory tests at times therefore the use of telehealth services does not



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alleviate the need for use of these tests to properly evaluate and monitor disease status and control. This can be accomplished in partnership with a traditional health facility where in-person health care services with laboratory testing are provided to the patient and results are made available to the telehealth provider or by the patient providing the results from current and appropriate laboratory testing to the telehealth provider.

A documented medical evaluation and collection of relevant clinical history commensurate with the presentation of the patient to establish diagnoses and identify underlying conditions and/or contra-indications to the treatment recommended/provided must be obtained prior to providing treatment, including issuing prescriptions, electronically or otherwise. Treatment and consultation recommendations including issuing a prescription via electronic means, will be held to the same standards of appropriate practice as those in traditional (encounter in person) settings. Treatment, including issuing a prescription based solely on an online questionnaire, does not constitute an acceptable standard of care [footnote omitted]. Such practice is a violation of this policy and may subject the physician to discipline by the Board.

### [30-2635 Miss. CODE R. § 5.6.](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Mississippi's telemedicine regulations were updated in March 2017 and provide that "[t]he practice of medicine is deemed to occur in the location of the patient. Therefore only physicians who hold a valid unrestricted Mississippi license are allowed to practice telemedicine in Mississippi."

### [30-2635 Miss. CODE R. § 5.3.](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Mississippi's telemedicine regulations were updated in March 2017 and provide that "[w]here an existing physician-patient relationship is not present, a physician must take appropriate steps to establish a physician-patient relationship consistent with standard of practice guidelines, such physician-patient relationships may be established using telemedicine technologies provided the standard of care is met."



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### [30-2635 Miss. CODE R. § 5.4.](#)

Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

Mississippi's telemedicine regulations were updated in March 2017 and provide the following:

Prescribing medications, in-person or via telemedicine, is at the professional discretion of the physician. The indication, appropriateness, and safety considerations for each telemedicine visit prescription must be evaluated by the physician in accordance with current standards of practice and consequently carry the same professional accountability as prescriptions delivered during an encounter in person. However, where such measures are upheld, and the appropriate clinical consideration is carried out and documented, physicians may exercise their judgment and prescribe medications as part of telemedicine encounters. A physician may not prescribe medications based on a phone call or a questionnaire for the purpose of telemedicine. Videoconferencing is required as part of the teleconsult if a medication is to be prescribed. Telehealth services is not intended and therefore shall not be used for the management of chronic pain with controlled substance prescription drugs. . . .

### [30-2635 Miss. CODE R. § 5.16.](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of psychiatry via telemedicine/telehealth that meet the standard of care for the state?

Mississippi's telemedicine regulations were updated in March 2017 and provide that "[t]elemedicine does not include an audio-only, telephone conversation, e-mail/instant messaging conversation, or fax. It involves the application of secure videoconferencing or store and forward technology to provide or support healthcare delivery by replicating the interaction of a traditional, encounter in person between a provider and a patient."

### [30-2635 Miss. CODE R. § 5.2.](#)



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### COUNSELORS

What are the restrictions on the scope of practice for counselors practicing via telemedicine/telehealth?

Individual and Group Supervision provided by a [Board Qualified Supervisor or “BQS”] with the [Licensed Professional Counselor Supervisor or “LPC-S”] credential to Applicants who have completed the educational requirements for licensure may be provided by way of Distance Professional Services under the following criteria only:

- a. The LPC-S must hold a Distance Credentialed Counselor credential from the Center for Credentialing and Education. The credential must be on file with the LPC Board office prior to initiating supervision through distance means.
- b. Distance supervision sessions must be provided by means of synchronous video conferencing only. Supervision by telephone, email, chat, or other forms of communication must be reserved to only emergency communications.
- c. The Supervision Agreement submitted to the LPC Board must include information explaining the use and limits of distance supervision, specify the qualifications of the LPC-S to provide distance supervision, and establish procedures for managing the failure of the video communication system.

[30-2201 Miss. CODE R. § 4.3\(A\)\(3\).](#)

While Mississippi regulations pertaining to counselors do not specifically define “telemedicine,” there are some references in these regulations to “Distance Professional Services,” and this term is defined as “[c]ounseling, consulting, and clinical supervision services provided by a professional in one location to a recipient of services in another location by means of electronic communication in either asynchronous methods including email and social network systems or synchronous methods such as telephone, chat, and video systems.”

[30-2201 Miss. CODE R. § 1.4\(N\).](#)



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Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

“Any person that provides counseling or supervision services through the means of Distance Professional Services must be licensed both in the location where services are provided by the professional as well as in the location of the recipient of the services. Distance Professional Services must be performed in accordance with these Rules and Regulations, the current American Counseling Association’s Code of Ethics, the current National Board for Certified Counselors Policy Regarding the Provision of Distance Professional Services, and Mississippi and Federal law.”

[30-2201 Miss. CODE R. § 7.5.](#)

### PRIVACY/CONFIDENTIALITY

Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?

Mississippi’s telemedicine regulations were updated in March 2017 and provide the following:

The provider treating a patient through a telemedicine network must maintain a complete record of the patient’s care. The provider must maintain the record’s confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating provider and a telemedicine provider for the same medical condition, then the primary provider’s medical record and the telemedicine provider’s record constitute one complete patient record. There must be a mechanism in place to facilitate sharing of medical records between providers when appropriate or at the patient’s request. The medical record should include, if applicable, copies of all patient-related electronic communications, including patient-physician communication, prescriptions, laboratory and test results, evaluations and consultations, records of past care, and instructions obtained or produced in connection with the utilization of telemedicine technologies. Informed consents obtained in connection with an encounter involving telemedicine technologies should also be filed in the medical record. The patient record established during the use of telemedicine technologies must be accessible and documented for both the physician and the patient, consistent with all established laws and regulations governing patient healthcare records.



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[30-2635 Miss. CODE R. § 5.12.](#)

### FOLLOW-UP CARE

What are the requirements regarding follow-up care for telemental/telebehavioral/telepsychiatric health services?

Mississippi's telemedicine regulations were updated in March 2017 and provide the following:

Patients should be able to seek, with relative ease, follow-up care or information from the physician [or physician's designee] who conducts an encounter using telemedicine technologies. Physicians solely providing services using telemedicine technologies with no existing physician-patient relationship prior to the encounter must make documentation of the encounter using telemedicine technologies easily available to the patient, and subject to the patient's consent, any identified care provider of the patient immediately after the encounter. Patients must be provided contact information that will enable them to contact the physician or designee for questions regarding appointments, treatment plans, or prescriptions.

[30-2635 Miss. CODE R. § 5.9.](#)

### COVERAGE & REIMBURSEMENT

Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?

**Updated link:** [MISS. CODE ANN. § 83-9-351.](#)

Are there provisions requiring certain reimbursement levels/amounts for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services)?

**Updated links:** [MISS. CODE ANN. §§ 83-9-351, -353.](#)



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Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria?

**Updated link:** [MISS. CODE ANN. § 83-9-353.](#)

### CONTROLLED SUBSTANCES

How are “controlled substances” defined by the state?

**Updated link:** [MISS. CODE ANN. § 41-29-105.](#)

What are the requirements/laws governing the prescribing of “controlled” substances”?

**Updated links:**

[MISS. CODE ANN. § 73-21-127.](#)

[MISS. CODE ANN. § 41-29-137.](#)