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

The Oklahoma Insurance Code defines “telemedicine” as “the practice of health care delivery, diagnosis, consultation, treatment, including but not limited to, the treatment and prevention of strokes, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine is not a consultation provided by telephone or facsimile machine.”

[OKLA. STAT. tit. 36 § 6802.](#)

An Oklahoma statute pertaining to the delivery of mental health services defines “telemedicine” as “the practice of health care delivery, diagnosis, consultation, evaluation, treatment, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine uses audio and video multimedia telecommunication equipment which permits two-way real-time communication between a health care practitioner and a patient who are not in the same physical location. Telemedicine shall not include consultation provided by telephone or facsimile machine”

[OKLA. STAT. tit. 43A § 1-103\(18\).](#)

Oklahoma recently enacted a telemedicine standards statute that will take effect on Nov. 1, 2017, and defines “telemedicine” as “the practice of health care delivery, diagnosis, consultation, evaluation and treatment, transfer of medical data or exchange of medical education information by means of a two-way, real-time interactive communication, not to exclude store and forward technologies, between a patient and a physician with access to and reviewing the patient's relevant clinical information prior to the telemedicine visit. ‘Telemedicine’ and ‘store and forward technologies’ shall not include consultations provided by telephone audio-only communication, electronic mail, text message, instant messaging conversation, website questionnaire, nonsecure video conference or facsimile machine.”

[S.B. 726, 56th Ok. Leg., Reg. Sess. \(Okla. 2017\) \(effective Nov. 1, 2017 and to be codified as OKLA. STAT § 59-478\).](#)

PSYCHIATRISTS

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

Oklahoma recently enacted a telemedicine standards statute that will take effect on Nov. 1, 2017, and states the following:



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“A. Unless otherwise prohibited by law, a valid physician-patient relationship may be established by an allopathic or osteopathic physician with a patient located in this state through telemedicine, provided that the physician:

1. Holds a license to practice medicine in this state;
2. Confirms with the patient the patient's identity and physical location; and
3. Provides the patient with the treating physician's identity and professional credentials.”

However:

“D. A physician-patient relationship shall not be created solely based on the receipt of patient health information by a physician. The duties and obligations created by a physician-patient relationship shall not apply until the physician affirmatively:

1. Undertakes to diagnose and treat the patient; or
2. Participates in the diagnosis and treatment of the patient.”

[S.B. 726, 56th Ok. Leg., Reg. Sess., Section 2\(A\), \(D\) \(Okla. 2017\) \(effective Nov. 1, 2017 and to be codified as OKLA. STAT § 59-478\).](#)

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

Oklahoma statutes and regulations do not insist on a face-to-face encounter prior to prescribing medications as long as the psychiatrist meets “the equipment requirements as specified in OAC 435:10-7-13(b).”

[OKLA. ADMIN. CODE § 435:10-1-4.](#)

PRIVACY/CONFIDENTIALITY

What are the specific privacy/confidentiality requirements involving mental health records?

Oklahoma recently enacted a telemedicine standards statute that will take effect on Nov. 1, 2017, and states the following:



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“B. Telemedicine and store and forward technology encounters shall comply with the Health Insurance Portability and Accountability Act of 1996 and ensure that all patient communications and records are secure and confidential.”

[S.B. 726, 56th Ok. Leg., Reg. Sess., Section 2\(B\) \(Okla. 2017\) \(effective Nov. 1, 2017 and to be codified as OKLA. STAT. § 59-478\).](#)

MINORS

What are the requirements/restrictions regarding the provision of telemental/telebehavioral/telepsychiatric health services to minors?

Updated citation: [OKLA. ADMIN. CODE § 317:30-3-27\(b\)\(5\).](#)

CONTROLLED SUBSTANCES

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

Oklahoma recently enacted a telemedicine standards statute that will take effect on Nov. 1, 2017, and states the following:

“C. Telemedicine encounters and encounters involving store and forward technologies in this state shall not be used to establish a valid physician-patient relationship for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, but may be used to prescribe opioid antagonists or partial agonists pursuant to Sections 1-2506.1 and 1-2506.2 of Title 63 of the Oklahoma Statutes.”

[S.B. 726, 56th Ok. Leg., Reg. Sess., Section 2\(C\) \(Okla. 2017\) \(effective Nov. 1, 2017 and to be codified as OKLA. STAT. § 59-478\).](#)