



State Medical Board of Ohio

Position Statement on Telemedicine

The Medical Board has received increased inquiries from providers, patients, and businesses related to status of telemedicine and telehealth in Ohio. As such the Medical Board has been meeting with these interested parties in a concerted effort to ensure a viable framework for telemedicine moving forward.

The Medical Board recognizes that technological advances have made it possible for licensees to provide medical care to patients in ways that were not feasible in the past. As a result, telemedicine is a potentially useful tool that, if employed appropriately, can provide important benefits to patients, including: increased access to health care, expanded utilization of specialty expertise, rapid availability of patient records, and potential reductions in the cost of patient care.

The Medical Board cautions, however, that licensees practicing via telemedicine will be held to the same standards of care as licensees employing more traditional in-person medical care. A failure to conform to appropriate standards of care whether that care is rendered in-person or via telemedicine may subject the licensee to potential discipline by the Medical Board.

While the Medical Board continues its review and discussions of regulations impacting the use of telemedicine it also wants to ensure licensees are aware of current expectations in this area of practice. The following guidance is being provided to physicians who hold a full medical license or telemedicine certificate in Ohio and provide medical services via oral, written or electronic communication:

The “practice of telemedicine” is defined in Ohio as the practice of medicine in this state through the use of any communication, including oral, written or electronic communication, by a physician located outside this state. Please note that physicians who are licensed in Ohio may examine and diagnosis patients through the use of any communication, including oral, written, or electronic, without obtaining a telemedicine certificate.

Training of Staff: Staff involved in a telemedicine visit should be trained in the use of the telemedicine equipment and competent in its operation.

Licensee – Patient Relationship: A licensee using telemedicine should have some means of verifying that the patient seeking treatment is in fact who they claim to be. A diagnosis should be established through the use of accepted medical practices, i.e., a patient history, mental status examination, physical examination, and any appropriate diagnostic and laboratory testing. Licensees using telemedicine should also ensure the availability for appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care providers.

Examinations: Licensees using telemedicine technologies to provide care to patients located in Ohio must provide an appropriate examination prior to diagnosing and/or treating the patient. However, this examination need not be in-person if the technology is sufficient to provide the same information to the licensee as if the exam had been performed face-to-face. If a licensee is prescribing a drug as part of a patient visit, please refer to the prescribing portion of this document.

Other examinations may also be considered appropriate if the licensee is at a distance from the patient, but a licensed health care professional is able to provide various physical findings that the licensee needs to complete an adequate assessment. On the other hand, a simple questionnaire without an appropriate examination may be a violation of law and/or subject the licensee to discipline by the Board.

Prescribing: Licensees are reminded of their obligation to personally physically examine a patient prior to prescribing drugs. Before prescribing a drug, a licensee should make an informed medical judgment based on circumstances of the situation and on their training and experience. This will require that the licensee personally perform an appropriate history and physical examination, make a diagnosis, and formulate a therapeutic plan, a part of which may include a prescription. This process should be documented within the medical record.

Prescribing for a patient whom the licensee has not personally physically examined and diagnosed may be suitable under limited circumstances set out in Medical Board [rule 4731-11-09, Ohio Administrative Code](#). These include: institutional settings, on call situations, cross coverage situations, situations in which a physician has scheduled or is in the process of scheduling an appointment to examine the patient, protocol situations, situations involving nurses practicing in accordance with a standard care arrangement, and certain hospice settings. Please refer to [rule 4731-11-09, Ohio Administrative Code](#) for more complete information.

Medical Records: A licensee treating a patient via telemedicine must maintain a complete record of the patient's care according to prevailing medical record standards. The medical record serves to document the analysis and plan of care for future reference. It must reflect an appropriate evaluation of the patient's presenting symptoms, and components of the electronic professional interaction must be documented as with any other encounter. The licensee must maintain the record's confidentiality, but disclose the records to the patient consistent with state and federal law.

Licensure: The practice of medicine is deemed to occur in the state in which the patient is located. Therefore, any licensee using telemedicine to regularly provide medical services to patients located in Ohio should be licensed to practice medicine in Ohio. Licensees need not reside in Ohio, as long as they have a valid, current Ohio medical license or telemedicine certificate.

Ohio licensees intending to practice medicine via telemedicine technology to treat or diagnose patients who are located outside of Ohio should check with other state licensing boards. Most states require physicians to be licensed, and some have enacted limitations to telemedicine practice or require or offer a special registration. A directory of all U.S. medical boards may be [accessed at the Federation of State Medical Boards website](#).

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