

# Senate Bill 232

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows out-of-state physician or physician assistant to provide specified care to patients located in Oregon. Clarifies that practice of medicine using telemedicine occurs where patient is physically located.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the practice of medicine via remote means; creating new provisions; amending ORS  
3 677.080 and 677.137 and section 14, chapter 45, Oregon Laws 2022; and prescribing an effective  
4 date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 677.080, as amended by section 2, chapter 62, Oregon Laws 2022, is amended  
7 to read:

8 677.080. A person may not:

9 (1) Knowingly make any false statement or representation on a matter, or willfully conceal any  
10 fact material to the right of the person to practice medicine or to obtain a license under this  
11 chapter.

12 (2) Sell or fraudulently obtain or furnish any medical and surgical diploma, license, record or  
13 registration, or aid or abet in the same.

14 (3) Impersonate anyone to whom a license has been granted by the Oregon Medical Board.

15 (4) Except as provided in ORS 677.060 **and 677.137** and section 1, chapter 62, Oregon Laws 2022,  
16 practice medicine in this state without a license required by this chapter.

17 **SECTION 2.** ORS 677.137 is amended to read:

18 677.137. (1) A person may not engage in the practice of medicine across state lines, claim qual-  
19 ification to engage in the practice of medicine across state lines or use any title, word or abbrevi-  
20 ation to indicate or to induce another to believe that the person is licensed to engage in the practice  
21 of medicine across state lines unless the person is licensed in accordance with ORS 677.139.

22 (2) ORS 677.135 to 677.141 do not apply to a physician or physician assistant engaging in the  
23 practice of medicine across state lines in an emergency, as defined by rule of the Oregon Medical  
24 Board.

25 (3) ORS 677.135 to 677.141 do not apply to a licensed physician or physician assistant located  
26 outside this state who:

27 (a)(A) Consults with another physician or physician assistant licensed to practice medicine in  
28 this state; and

29 [(b)] (B) Does not undertake the primary responsibility for diagnosing or rendering treatment

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 to a patient within this state[.];

2 [(4) ORS 677.135 to 677.141 do not apply to a licensed physician or physician assistant located  
3 outside this state who]

4 (b) Has an established [*physician-patient*] **provider-patient** relationship with a [*person*] **patient**  
5 who is in Oregon temporarily **for the purpose of business, education, vacation or work** and who  
6 requires the direct medical treatment by that physician or physician assistant[.]; **or**

7 (c) **Has, with a patient located in Oregon, an established provider-patient relationship to**  
8 **provide temporary or intermittent follow-up care.**

9 (4) **A physician or physician assistant who is located outside this state and practices**  
10 **medicine as described in subsection (3) of this section is subject to this chapter and rules**  
11 **adopted pursuant to this chapter, including but not limited to the disciplinary authority of**  
12 **the board, while or as a result of practicing medicine as described in subsection (3) of this**  
13 **section.**

14 (5) **The board may adopt rules to carry out this section.**

15 **SECTION 3.** Section 14, chapter 45, Oregon Laws 2022, is amended to read:

16 **Sec. 14.** (1) As used in this section, “telemedicine” means the **practice of medicine and** pro-  
17 vision of health care services to a patient by a physician or physician assistant from a distance us-  
18 ing electronic communications, including synchronous technologies to facilitate an exchange of  
19 information between a patient and physician or physician assistant in real time or asynchronous  
20 technologies to facilitate an exchange of information between a patient and a physician or physician  
21 assistant in other than real time.

22 (2) A physician licensed under ORS 677.100 to 677.228, a physician assistant licensed under ORS  
23 677.505 to 677.525 or a physician or physician assistant licensed under ORS 677.139 may use tele-  
24 medicine to **engage in the practice of medicine and** provide health care services, including the  
25 establishment of a [*patient-provider*] **provider-patient** relationship, the diagnosis or treatment of a  
26 medical condition or the prescription of drugs, to a patient physically located in this state. The  
27 physician or physician assistant is not required to be physically located in this state when **engaging**  
28 **in the practice of medicine and** providing health care services through telemedicine.

29 (3) **The practice of medicine using telemedicine occurs where the patient is physically**  
30 **located.**

31 **SECTION 4.** (1) **The amendments to ORS 677.080 and 677.137 and section 14, chapter 45,**  
32 **Oregon Laws 2022, by sections 1 to 3 of this 2023 Act become operative on January 1, 2024.**

33 (2) **The Oregon Medical Board may take any action before the operative date specified in**  
34 **subsection (1) of this section that is necessary to enable the board to exercise, on and after**  
35 **the operative date specified in subsection (1) of this section, all of the duties, functions and**  
36 **powers conferred on the board by the amendments to ORS 677.080 and 677.137 and section**  
37 **14, chapter 45, Oregon Laws 2022, by sections 1 to 3 of this 2023 Act.**

38 **SECTION 5.** **This 2023 Act takes effect on the 91st day after the date on which the 2023**  
39 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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