

**BOARD OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

Title 59 O.S., Section 492C. The definition of the practice of medicine and surgery shall include, but is not limited to:

1. Advertising, holding out to the public, or representing in any manner that one is authorized to practice medicine and surgery in this state;
2. Any offer or attempt to prescribe, order, give, or administer any drug or medicine and surgery for the use of any other person, except as otherwise authorized by law;
3.
 - a. Any offer or attempt, except as otherwise authorized by law, to prevent, diagnose, correct, or treat in any manner or by any means, methods, devices, or instrumentalities except for manual manipulation any disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of any person, including the management of pregnancy and parturition, except as otherwise authorized by law.
 - b. Except as provided in subsection D of this section, performance by a person outside of this state, through an ongoing regular arrangement, of diagnostic or treatment services through electronic communications for any patient whose condition is being diagnosed or treated within this state. A person who performs any of the functions covered by this subparagraph submits himself or herself to the jurisdiction of the courts of this state for the purposes of any cause of action resulting from the functions performed.
 - c. Nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be construed to affect or give jurisdiction to the Board over any person other than medical doctors or persons holding themselves out as medical doctors;
4. Any offer or attempt to perform any surgical operation upon any person, except as otherwise authorized by law; and
5. The use of the title Doctor of Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D. or any combination thereof in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless, where appropriate, such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this state.

**OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION
POLICY STATEMENT
TELEMEDICINE**

This Board acknowledges that due to technological advances there are occurring increasing frequency of medical relationship in which there is a geographical distance between the doctor and the patient. It further states that there are potential benefits to patients including increased access to health care, expanded utilization of specialty expertise, rapid availability of patient records and reduced cost of patient care.

The practice of medicine at distance, whether intra or interstate, includes the rendering of a written or otherwise

documented medical opinion concerning diagnosis or treatment of a patient within this state by a physician as a result of transmission of individual patient data by electronic or other means. This event is deemed to occur within this state.

Full licensure by this state shall be obtained by all physicians seeking to perform these services. The only exception will be the rendering of emergency advice or opinion or when the physician accepts or expects no compensation. In any given occurrence the state of an emergency will be subject to the Board's collective judgement.

The Board acknowledges that there will need to be standards set which will establish quality of equipment and performance and accepted procedures. It will seek such standards from specialty boards and groups. Such standards, currently have been advanced by the American Society of Radiologists, the American Telemedicine Association, the American College of Pathology and the American College of Dermatology. The Board urges other specialties to formulate and publish similar standards.

The Board holds that there must be a local physician or licensed health provider to receive, interpret and apply the diagnosis made by the non resident physician and that the treatment of the patient remain in the hands of the attending physician. This does not relieve the consultant of his responsibility to maintain proper standards of practice and insure accurate transmission of information.

There are still areas of concern involving telemedicine. One is the maintenance of patient confidentiality and the protection of patient records. Another involves the field of coding and charging for services. The Board feels both patients and third parties must be able to ascertain who is performing what services.

Further study will be made as to whether changes need to be made in the Medical Practice Act which would affect licensure or discipline on those practitioners who seek to practice only across state lines.

Adopted: 06/29/2001