

NEW MICHIGAN TELEHEALTH LAW TAKES EFFECT MARCH 29 Law Provides Guidance Where Current Law Falls Silent

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On March 29, 2017, a new Michigan telehealth law takes effect.

Currently, Michigan law is largely silent on delivering health care services via telehealth/telemedicine. The new law (Public Act 359 of 2016 or MCL §333.16283, et seq.), provides some additional guidance and is succinct.

“Telehealth” is defined under the new law as the use of electronic information and

telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. It may include, but is not limited to, telemedicine. To qualify as telemedicine, the health care professional must be able to examine the patient via a real-time, interactive audio or video (or both) telecommunications system and the patient must be able to interact with the off-site health care professional at the time the services are provided.

Under the law, in general, a health professional must obtain consent for treatment before performing telehealth services. The law does not require an in-person examination before delivering telehealth services.

Prescribers may remotely prescribe medications via telehealth. However, prescriptions for controlled substances are excluded.

This new law does not modify the telemedicine provision in the Michigan

insurance code. An insurer that delivers or renews a health insurance policy is not

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permitted to require face-to-face contact between a health care professional and a patient for services appropriately provided through telemedicine.



About the Author. *Brandon M. Dalziel* represents health care industry clients in a variety of transactional issues, including joint ventures, compliance matters, contractual matters, and hospital by-law issues. Before becoming an attorney, Brandon managed clinical studies and integrated genetics into drug development with Pfizer Global Research & Development.

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