

In July 2008, the Chairman of the Georgia Composite State Board of Medical Examiners requested the formation of an ad hoc committee on e-medicine. This request was made because of the increasing prevalence of cases reviewed by the Board that deal specifically with aspects of telemedicine, e-prescribing and tele-radiology.

As a result of this action, the Board has recently amended Rules 360-3-.02, Unprofessional Conduct Defined This amendment, which has been reviewed by the State Attorney General's office and adopted by the Board was designed to allow the practice of telemedicine for patients in Georgia by duly licensed Georgia physicians or other healthcare providers acting within their scope of practice.

O.C.G.A. § 33-24-56.4, the Georgia Telemedicine Act, defines telemedicine as "... the practice, by a duly licensed physician or other health care provider acting within the scope of such provider's practice, of health care delivery, diagnosis, consultation, treatment, or transfer of medical data by means of audio, video, or data communications which are used during a medical visit with a patient or which are used to transfer medical data obtained during a medical visit with a patient. Standard telephone, facsimile transmissions, unsecured electronic mail, or a combination thereof do not constitute telemedicine services." Telemedicine is a reimbursable event according to CMS rules as long as it involves action within the definition of telemedicine.

It is imperative that the clinician understand that telemedicine requires the interaction of a duly Georgia licensed practitioner with the patient in the State of Georgia and that the data collected during that interaction is forwarded to the consultant, a duly licensed practitioner in the State of Georgia, via a secure live feed or via a secure database that is forwarded to the consultant.

With this in mind, Board Rule 360-3-.02 (6) defines unprofessional conduct as "[P]roviding treatment via electronic or other means unless a history and physical examination of the patient has been performed by a Georgia licensee. This shall not prohibit a licensee who is on call or covering for another licensee from treating and/or consulting a patient of such other licensee. Also, this paragraph shall not prohibit a patient's attending physician from obtaining consultations or recommendations from other licensed health care providers."

The telemedicine committee will keep current and report to the Board on trends and changes in e-prescribing, prescription monitoring proposals, and EMR. The committee will be available, with Board approval, to review patient specific inquiries regarding telemedicine and other e-health issues as they present themselves on a regular basis.