

New Jersey Allows Asynchronous Telemedicine

Article By:

Kara Sweet

Nathaniel M. Lacktman

On December 21, 2021, New Jersey amended its telemedicine laws via [SB 2559](#). The new changes expressly allow the use of asynchronous store-and-forward telemedicine as a standalone modality, remove prior prohibitions on audio-only modalities, and clarify what constitutes unacceptable “internet prescribing.” The changes are effective immediately.

For a discussion on New Jersey’s 2017 Telemedicine Act generally, please read our [prior analysis](#).

Asynchronous Store-and-Forward Telemedicine

The law allows providers to use asynchronous store-and-forward technologies to provide telemedicine services—with or without the accompanying use of real-time, two-way audio—as a standalone modality when the clinician determines the in-person standard of care can be met through asynchronous technologies. At the outset of the telemedicine consult, the clinician must inform the patient of this determination.

Previously, clinicians could only use asynchronous store-and-forward technologies in limited instances, such as transmitting electronic images, diagnostics, data, and medical information. Asynchronous communications could also be used *in combination with* interactive, real-time, two-way audio, *it*, after accessing and reviewing the patient’s medical records, the clinician determined the standard of care would be met.

Audio-Only Telephone Conversations: The law removes prohibitions on audio-only telephone conversations. Previously, an “audio-only telephone conversation” was expressly excluded from the definition of “telemedicine” or “telehealth.” The law was revised as follows:

“Telemedicine” does not include the use, in isolation, ~~of audio-only telephone conversation,~~ of electronic mail, instant messaging, phone text, or facsimile transmission

Internet Prescribing Clarification

The law revises New Jersey's internet prescribing rule to clarify a clinician may not issue a prescription based solely on the responses to an online static questionnaire.

We will continue to monitor for any rule changes or forthcoming subregulatory guidance on telehealth in New Jersey.

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