

2021 Regular Session

HOUSE BILL NO. 270

BY REPRESENTATIVES MAGEE, BAGLEY, HUGHES, DUSTIN MILLER, AND
TURNER AND SENATORS ALLAIN, BARROW, BOUDREAUX, MCMATH,
AND FRED MILLS

1 AN ACT

2 To amend and reenact R.S. 37:1262(4) and 1291(6) and R.S. 40:1223.3(6)(a) and to enact
3 R.S. 37:1291(7), relative to telemedicine and telehealth; to revise the definitions of
4 those terms; to exempt certain activity from laws pertaining to the practice of
5 medicine; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1262(4) and 1291(6) are hereby amended and reenacted and R.S.
8 37:1291(7) is hereby enacted to read as follows:

9 §1262. Definition

10 As used in this Part the following words and phrases shall have the meanings
11 ascribed to them:

12 * * *

13 (4) "Telemedicine" means the practice of health care delivery, diagnosis,
14 consultation, treatment, and transfer of medical data by a physician using interactive
15 ~~telecommunication technology that enables a health care practitioner and a patient~~
16 ~~at two locations separated by distance to interact via two-way video and audio~~
17 ~~transmissions simultaneously. Neither a telephone conversation nor an electronic~~
18 ~~mail message between a health care practitioner and patient, or a true consultation~~
19 ~~as may be defined by rules promulgated by the board pursuant to the Administrative~~
20 ~~Procedure Act, constitutes telemedicine for the purposes of this Part technology that~~
21 ~~enables the physician and a patient at two locations separated by distance to interact.~~
22 Such technology may include electronic communications, information technology,
23 asynchronous store-and-forward transfer technology, or technology that facilitates

1 synchronous interaction between a physician at a distant site and a patient at an
2 originating site. The term "telemedicine" shall not include any of the following:

3 (a) Electronic mail messages and text messages that are not compliant with
4 applicable requirements of the Health Insurance Portability and Accountability Act
5 of 1996, as amended (42 U.S.C. 1320d et seq.).

6 (b) Facsimile transmissions.

7 * * *

8 §1291. Exemptions

9 None of the provisions of this Part shall apply to:

10 * * *

11 (6) A consultation without limitation between a practicing physician licensed
12 in this state and a practicing physician licensed in another state or jurisdiction.

13 ~~(6)(a)~~ (7)(a) An individual licensed to practice medicine in another state or
14 country when he attends to the acute care needs of the official traveling party of
15 athletes and staff of an athletic team or organization domiciled in another state or
16 country during or in connection with an athletic contest or event conducted in this
17 state.

18 (b) The exemption provided in this Paragraph shall not be construed to allow
19 the performance of any elective procedure by a physician who is not duly licensed
20 to practice medicine in accordance with the provisions of this Part.

21 Section 2. R.S. 40:1223.3(6)(a) is hereby amended and reenacted to read as follows:

22 §1223.3. Definitions

23 * * *

24 (6)(a) ~~"Telehealth" means a mode of delivering healthcare services,~~
25 ~~including behavioral health services, that utilizes information and communication~~
26 ~~technologies to enable the diagnosis, consultation, treatment, education, care~~
27 ~~management, and self-management of patients at a distance from healthcare~~
28 ~~providers. Telehealth allows services to be accessed when providers are in a distant~~
29 ~~site and patients are in the originating site. Telehealth facilitates patient~~
30 ~~self-management and caregiver support for patients and includes synchronous~~

1 ~~interactions and asynchronous store and forward transfers.~~ "Telehealth" means
2 healthcare services, including behavioral health services, provided by a healthcare
3 provider, as defined in this Section, to a person through the use of electronic
4 communications, information technology, asynchronous store-and-forward transfer
5 technology, or synchronous interaction between a provider at a distant site and a
6 patient at an originating site, including but not limited to assessment of, diagnosis of,
7 consultation with, treatment of, and remote monitoring of a patient, and transfer of
8 medical data. The term "telehealth" shall not include any of the following:

9 (i) Electronic mail messages and text messages that are not compliant with
10 applicable requirements of the Health Insurance Portability and Accountability Act
11 of 1996, as amended (42 U.S.C. 1320d et seq.).

12 (ii) Facsimile transmissions.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____