

ACT No. 630

2016 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVE SCHRODER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

To amend and reenact R.S. 37:1271(B)(2)(b) and (4) and R.S. 40:1223.3(5) and 1223.4(A) and to enact R.S. 37:1271(B)(6) and R.S. 40:1223.5, relative to the practice of telemedicine; to provide with respect to communication between a telemedicine provider and a patient; to provide for medical record maintenance; to provide for in-state referrals; to provide for venue in suits involving care rendered via telehealth or telemedicine; to provide with respect to the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1271(B)(2)(b) and (4) are hereby amended and reenacted and R.S. 37:1271(B)(6) is hereby enacted to read as follows:

§1271. License to practice medicine or telemedicine required

* * *

B.

* * *

(2) Except as provided in R.S. 37:1276.1, all of the following shall apply to any physician practicing telemedicine as defined in this Part:

* * *

(b) The physician practicing telemedicine shall not be required to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter if the physician satisfies all of the following conditions:

- (i) Holds an unrestricted license to practice medicine in Louisiana.
- (ii) Has access to the patient's medical records upon consent of the patient.

1 ~~(iii) Maintains a physical practice location within the state of Louisiana or~~
 2 ~~executes an affirmation with the board that the physician has an arrangement with~~
 3 ~~another physician who maintains a physical practice location in Louisiana to provide~~
 4 ~~for referrals and follow-up care which may be necessary.~~

5 (iii) Creates a medical record on each patient and makes such record
 6 available to the board upon request.

7 (iv) If necessary, provides a referral to a physician in this state or arranges
 8 for follow-up care in this state as may be indicated.

9 * * *

10 (4) (a) A patient receiving telemedicine services may be in any location at
 11 the time that the telemedicine services are rendered. A physician practicing
 12 telemedicine may be in any location when providing telemedicine services to a
 13 patient.

14 (b) A physician practicing telemedicine may utilize interactive audio without
 15 the requirement of video if, after access and review of the patient's medical records,
 16 the physician determines that he is able to meet the same standard of care as if the
 17 healthcare services were provided in person.

18 * * *

19 (6) Venue in any suit filed involving care rendered via telemedicine shall be
 20 in accordance with the provisions of R.S. 40:1223.5.

21 * * *

22 Section 2. R.S. 40:1223.3(5) and 1223.4(A) are hereby amended and reenacted and
 23 R.S. 40:1223.5 is hereby enacted to read as follows:

24 §1223.3. Definitions

25 * * *

26 (5) "Synchronous interaction" means communication through interactive
 27 technology that enables a healthcare provider and a patient at two locations separated
 28 by distance to interact via two-way video and audio transmissions simultaneously.
 29 The healthcare provider may utilize interactive audio without the requirement of
 30 video if, after access and review of the patient's medical records, the provider

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 determines that he is able to meet the same standard of care as if the healthcare
2 services were provided in person.

3 * * *

4 §1223.4. Telehealth; rulemaking required

5 A. Each state agency or professional or occupational licensing board or
6 commission that regulates the practice of a healthcare provider, as defined in this
7 Part, may promulgate, in accordance with the Administrative Procedure Act, any
8 rules necessary to provide for, promote, and regulate the use of telehealth in the
9 delivery of healthcare services within the scope of practice regulated by the licensing
10 entity. However, any rules and regulations shall be consistent with and no more
11 restrictive than the provisions contained in this Section.

12 * * *

13 §1223.5. Venue; telehealth and telemedicine

14 Venue in any suit filed involving care rendered via telehealth pursuant to the
15 provisions of this Part or telemedicine pursuant to the provisions of R.S. 37:1271(B)
16 shall be proper and instituted before the district court of the judicial district in which
17 the patient resides or in the district court having jurisdiction in the parish where the
18 patient was physically located during the provision of the telehealth or telemedicine
19 service. The patient is considered physically located at the originating site as defined
20 in R.S. 40:1223.3.

21 Section 3. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____