
The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

CONFERENCE COMMITTEE REPORT DIGEST

SB 66

2023 Regular Session

Fred Mills

Keyword and summary of the bill as proposed by the Conference Committee

HEALTH CARE. Provides relative to telehealth services. (1/1/24)

Report adopts House amendments to:

1. Require the creation of a record on each patient.
2. Repeal the limitation that rules and regulations shall be no more restrictive than the provisions contained in proposed law.
3. Expand the definition of "behavioral health services" to include community psychiatric support and treatment services or psychosocial rehabilitation services provided by a behavioral health provider who works for a licensed agency or credentialed provider.
4. Make technical changes.

Report rejects House amendments which would have:

1. Removed the effective date of January 1, 2024.
2. Added a contingency effective date making proposed law relative to the provision of telehealth services effective if and when HB 648 of this 2023 Regular Session of the Legislature, the Stop Harming Our Kids Act, is enacted and becomes effective.

Digest of the bill as proposed by the Conference Committee

Present law provides for the practice of telemedicine by physicians and the practice of telehealth by all other healthcare providers. Proposed law repeals provisions relative to telemedicine and specifies that telehealth includes a physician's practice of medicine when conducted through electronic communications.

Present law defines "telehealth" as healthcare services, including behavioral health services, provided by a healthcare provider to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site. Present law further defines "behavioral

health services" as those services defined in present law that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by La. Dept. of Health, to treat mental illness or substance use. Proposed law retains present law and adds that behavioral health services also include community psychiatric support and treatment services or psychosocial rehabilitation services provided by an unlicensed behavioral health provider who works for a licensed agency or credentialed provider.

Present law authorizes each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider to promulgate any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity that are consistent with and no more restrictive than the provisions contained in present law. Proposed law changes the authorization to a requirement for the state agency or professional or occupational licensing board or commission to promulgate rules for telehealth and removes the limitation that the rules be no more restrictive than the provisions contained in proposed law.

Present law provides for the minimum content of the rules to be promulgated by the regulatory state agency or professional or occupational licensing board or commission. Proposed law retains present law but prohibits any requirement for an in-person patient history or physical examination of the patient before engaging in a telehealth encounter unless the healthcare provider is prescribing a controlled dangerous substance and requires a visit record to be created for each patient. Proposed law further provides for exceptions to the requirement for an in-person patient history or physical examination when prescribing a controlled dangerous substance.

Proposed law makes technical changes in present law to update references from telemedicine to telehealth to conform with proposed law.

Effective January 1, 2024.

(Amends R.S. 22:11(C)(1)(a)(i), 1821(F)(1) and (2), 1841(3), 1842(A)(1) and (B), and 1843(A)(2) and (B)(1)(a)(ii) and (b)(i) and (iv), R.S. 28:53(B)(1), 53(B)(4)(intro para), 53(F), (G)(2), 53(G)(7)(a)(intro para) and 53(G)(7)(b)(intro para) and 53(G)(7)(b)(ii), and (J)(1), R.S. 37:1262(4), 1271, 1271.1(A)(intro para), 1271.1(A)(2) and (3), 1285.2(D)(2), R.S. 40:1046(K), 1165.2(B), 1167.2(6), 1167.4(E) and (F), 1223.2(3), 1223.3(3), (5) and (6)(b), 1223.4(A) and (B)(3), 1223.5, 1237.1(A)(9)(a)(ii)(bb), and 2195.1(A)(6), and R.S. 46:978.1(2); adds R.S. 40:1223.4(B)(5)-(8); repeals R.S. 22:1841(6) and R.S. 37:1276.1)