

SENATE BILL NO. 66

BY SENATOR FRED MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact 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), the introductory paragraph of 53(B)(4), 53(F), (G)(2), the introductory paragraph of 53(G)(7)(a), the introductory paragraph of 53(G)(7)(b) and 53(G)(7)(b)(ii), and (J)(1), R.S. 37:1262(4), 1271, the introductory paragraph of 1271.1(A) and 1271.1(A)(2) and (3), and 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), to enact R.S. 40:1223.4(B)(5) through (8), and to repeal R.S. 22:1841(6) and R.S. 37:1276.1, relative to telehealth services; to provide for the practice of medicine or provision of health care or healthcare professional services through telehealth; to provide for definitions; to provide for updated terminology; to provide for rulemaking by occupation regulatory entities; to repeal provisions regarding telemedicine; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:11(C)(1)(a)(i), 1821(F)(1) and (2), 1841(3), 1842(A)(1) and (B),

1 and 1843(A)(2) and (B)(1)(a)(ii) and (b)(i) and (iv) are hereby amended and reenacted to
2 read as follows:

3 §11. Rules and regulations by commissioner

4 * * *

5 C.(1) When the governor declares a state of emergency pursuant to R.S.
6 29:724 or a public health emergency pursuant to R.S. 29:766, the commissioner may
7 issue emergency rules or regulations that address any of the following related to
8 insurance policies or health maintenance organization contracts in this state:

9 (a) Medical coverage relative to each of the following:

10 (i) Removal of telehealth ~~and telemedicine~~ access restraints.

11 * * *

12 §1821. Payment of claims; health and accident policies; prospective review;
13 penalties; self-insurers; ~~telemedicine~~ **telehealth** reimbursement by
14 insurers; prohibitions

15 * * *

16 F.(1) Notwithstanding any provision of any policy or contract of insurance
17 or health benefits issued, whenever ~~such~~ **the** policy provides for payment, benefit,
18 or reimbursement for any ~~health-care~~ **healthcare** service, including but not limited
19 to diagnostic testing, treatment, referral, or consultation, and ~~such health-care~~ **the**
20 **healthcare** service is performed via transmitted electronic imaging or ~~telemedicine~~,
21 **telehealth**, ~~such a~~ **the** payment, benefit, or reimbursement under ~~such~~ **the** policy or
22 contract shall not be denied to a licensed physician conducting or participating in the
23 transmission at the originating ~~health-care~~ **healthcare** facility or terminus who is
24 physically present with the individual who is the subject of ~~such~~ **the** electronic
25 imaging transmission and is contemporaneously communicating and interacting with
26 a licensed physician at the receiving terminus of the transmission. The payment,
27 benefit, or reimbursement to ~~such a~~ **the** licensed physician at the originating facility
28 or terminus shall not be less than seventy-five percent of the reasonable and
29 customary amount of payment, benefit, or reimbursement which that licensed
30 physician receives for an intermediate office visit.

1 (2) Any ~~health care~~ **healthcare** service proposed to be performed or
 2 performed via transmitted electronic imaging or ~~telemedicine under~~ **telehealth**
 3 **pursuant to** this Subsection shall be subject to the applicable utilization review
 4 criteria and requirements of the insurer. Terminology in a health and accident
 5 insurance policy or contract that either discriminates against or prohibits such a
 6 method of transmitted electronic imaging or ~~telemedicine~~ **telehealth** shall be void
 7 as against public policy of providing the highest quality health care to the citizens
 8 of the state.

9 * * *

10 SUBPART B-1. MEDICAL CLAIMS FOR SERVICES

11 PROVIDED THROUGH TELEHEALTH ~~AND TELEMEDICINE~~

12 §1841. Definitions

13 For purposes of this Subpart, the following definitions apply:

14 * * *

15 (3) "Platform" means the technology, system, software, application, modality,
 16 or other method through which a healthcare provider remotely interfaces with a
 17 patient when providing a healthcare service or procedure as a ~~telemedicine medical~~
 18 ~~service or~~ telehealth healthcare service.

19 * * *

20 §1842. ~~Telemedicine medical services and telehealth~~ **Telehealth** healthcare services
 21 statement

22 A.(1) Each issuer of a health coverage plan shall display in a conspicuous
 23 manner on the health coverage plan issuer's website information regarding how to
 24 receive covered ~~telemedicine medical services~~; telehealth healthcare services; and
 25 remote patient monitoring services.

26 * * *

27 B. This Section shall not require an issuer of a health coverage plan to display
 28 negotiated contract payment rates for healthcare providers who contract with the
 29 issuer to provide ~~telemedicine medical services or~~ telehealth healthcare services.

30 §1843. Remote patient monitoring services

1 A. The legislature hereby finds all of the following:

2 * * *

3 (2) The goal of remote patient monitoring services provided through
4 ~~telemedicine~~ or telehealth is to coordinate primary, acute, behavioral, and long-term
5 social service needs for high need, high cost patients.

6 B. To receive reimbursement for the delivery of remote patient monitoring
7 services through telehealth, all of the following conditions shall be met:

8 (1) The services shall consist of all of the following:

9 (a) An assessment, problem identification, and evaluation which includes all
10 of the following:

11 * * *

12 (ii) Detection of condition changes based on the ~~telemedicine~~ or telehealth
13 encounter that may indicate the need for a change in the plan of care.

14 (b) Implementation of a management plan through one or more of the
15 following:

16 (i) Teaching regarding medication management as appropriate based on the
17 ~~telemedicine~~ or telehealth findings for that encounter.

18 * * *

19 (iv) Coordination of care with the ordering healthcare provider regarding the
20 ~~telemedicine~~ or telehealth findings.

21 * * *

22 Section 2. R.S. 28:53(B)(1), the introductory paragraph of 53(B)(4), 53(F), (G)(2),
23 the introductory paragraph of 53(G)(7)(a), the introductory paragraph of 53(G)(7)(b) and
24 53(G)(7)(b)(ii), and (J)(1) are hereby amended and reenacted to read as follows:

25 §53. Admission by emergency certificate; extension; payment for services rendered

26 * * *

27 B.(1) Any physician licensed or permitted by the Louisiana State Board of
28 Medical Examiners, physician assistant when acting in accordance with their
29 respective clinical practice guidelines, psychiatric mental health nurse practitioner,
30 other nurse practitioner who acts in accordance with a collaborative practice

1 agreement and receives verbal approval for executing the certificate from his
 2 collaborating physician, or psychologist may execute an emergency certificate only
 3 after an actual examination of a person alleged to have a mental illness or be
 4 suffering from a substance-related or addictive disorder who is determined to be in
 5 need of immediate care and treatment in a treatment facility because the examining
 6 physician, physician assistant when acting in accordance with their respective
 7 clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse
 8 practitioner who acts in accordance with a collaborative practice agreement and
 9 receives verbal approval for executing the certificate from his collaborating
 10 physician, or psychologist determines the person to be dangerous to self or others or
 11 to be gravely disabled. The actual examination of the person by a psychiatrist or
 12 psychiatric mental health nurse practitioner may be conducted by ~~telemedicine~~
 13 **telehealth** utilizing video conferencing technology provided that a licensed
 14 healthcare professional who can adequately and accurately assist with obtaining any
 15 necessary information including but not limited to the information listed in
 16 Paragraph (4) of this Subsection shall be in the examination room with the patient
 17 at the time of the video conference. A patient examined in such a manner shall be
 18 medically cleared prior to admission to a mental health treatment facility. Failure to
 19 conduct an examination prior to the execution of the certificate will be evidence of
 20 gross negligence.

21 * * *

22 (4) In the case of an emergency certificate issued pursuant to an examination
 23 conducted by ~~telemedicine~~ **telehealth** pursuant to Paragraph (1) of this Subsection
 24 and Paragraph (J)(1) of this Section, the licensed healthcare professional present
 25 during the actual examination shall be responsible for obtaining, recording, and
 26 attaching to the emergency certificate the following information regarding the video
 27 conference:

28 * * *

29 F. An emergency certificate shall constitute legal authority to transport a
 30 patient to a treatment facility and shall permit the director of such treatment facility

1 to detain the patient for diagnosis and treatment for a period not to exceed fifteen
 2 days, and to return the patient to the facility if he is absent with or without
 3 permission during authorized periods of detention. If necessary, peace officers shall
 4 apprehend and transport, or ambulance services, under appropriate circumstances,
 5 may locate and transport, a patient on whom an emergency certificate has been
 6 completed to a treatment facility at the request of either the director of the facility,
 7 the certifying physician, physician assistant when acting in accordance with their
 8 respective clinical practice guidelines, psychiatric mental health nurse practitioner,
 9 other nurse practitioner who acts in accordance with a collaborative practice
 10 agreement and receives verbal approval for executing the certificate from his
 11 collaborating physician, or psychologist, the patient's next of kin, the patient's
 12 curator, or the agency legally responsible for his welfare. In the case of an
 13 emergency certificate issued pursuant to an examination conducted by ~~telemedicine~~
 14 **telehealth** pursuant to Paragraph (B)(1) of this Section, or where the valid original
 15 is not provided to the transporter, a copy transmitted by facsimile or other electronic
 16 device shall be sufficient authority for the peace officer or ambulance worker to
 17 transport the patient to a treatment facility and for the director to accept such patient.
 18 The psychiatrist shall cause the original certificate to be deposited in the United
 19 States mail properly addressed to the director of the treatment facility by the next
 20 business day following the date of examination. The director of the treatment facility
 21 shall notify the patient's nearest relative, if known, or designated responsible party,
 22 if any, in writing, of the patient's admission by emergency certificate as soon as
 23 reasonably possible.

24 G. * * *

25 (2) Within seventy-two hours of admission, the person shall be independently
 26 examined by the coroner or his deputy who shall execute an emergency certificate,
 27 pursuant to Subsection B of this Section, which shall be a necessary precondition to
 28 the person's continued confinement. Except as provided in Paragraph (7) of this
 29 Subsection, if the actual examination by the psychiatrist referred to in Paragraph
 30 (B)(1) of this Section is conducted by ~~telemedicine~~, **telehealth**, the seventy-two-hour

1 independent examination by the coroner shall be conducted in person.

2 * * *

3 (7) As it relates to the parish of St. Tammany, all of the following shall apply:

4 (a) The coroner or deputy coroner, who is a physician, preferably a
5 psychiatrist, may conduct an examination and execute an emergency certificate, as
6 provided in Subparagraph (b) of this Paragraph, by ~~telemedicine~~ **telehealth** utilizing
7 video conferencing equipment, provided that all of the following are met:

8 * * *

9 (b) The coroner or deputy coroner, who is a physician, preferably a
10 psychiatrist, may conduct an examination and execute an emergency certificate, as
11 provided in Subparagraph (a) of this Paragraph by ~~telemedicine~~ **telehealth** under all
12 of the following circumstances:

13 * * *

14 (ii) If the coroner conducted the initial examination, pursuant to Paragraph
15 (3) of this Subsection, by ~~telemedicine~~ **telehealth** and has executed the first
16 emergency commitment certificate, a second examination shall be made in person
17 within the seventy-two hour period set forth in this Part by any psychiatrist,
18 psychiatric mental health nurse practitioner, or a psychologist at the treatment
19 facility where the person is confined.

20 * * *

21 J.(1) Upon the request of a credible person of legal age who is financially
22 unable to afford a private physician or who cannot immediately obtain an
23 examination by a physician, the parish coroner may render, or the coroner or a judge
24 of a court of competent jurisdiction may cause to be rendered by a physician, an
25 actual examination of a person alleged to have a mental illness or be suffering from
26 a substance-related or addictive disorder and in need of immediate medical treatment
27 because he is dangerous to himself or others or is gravely disabled. The actual
28 examination of the person by a psychiatrist may be conducted by ~~telemedicine~~
29 **telehealth** utilizing video conferencing technology provided that a licensed
30 healthcare professional who can adequately and accurately assist with obtaining any

1 necessary information including but not limited to the information listed in
 2 Paragraph (B)(4) of this Section shall be in the examination room with the patient
 3 at the time of the video conference. If the coroner is not a physician he may deputize
 4 a physician to perform this examination. To accomplish the examination authorized
 5 by this Subsection, if the coroner or the judge is apprehensive that his own safety or
 6 that of the deputy or other physician may be endangered thereby, he shall issue a
 7 protective custody order pursuant to R.S. 28:53.2.

8 * * *

9 Section 3. R.S. 37:1262(4), 1271, the introductory paragraph of 1271.1(A) and
 10 1271.1(A)(2) and (3), and 1285.2(D)(2) are hereby amended and reenacted to read as
 11 follows:

12 §1262. Definition

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

15 * * *

16 (4) ~~"Telemedicine" means the practice of health care delivery, diagnosis,~~
 17 ~~consultation, treatment, and transfer of medical data by a physician using technology~~
 18 ~~that enables the physician and a patient at two locations separated by distance to~~
 19 ~~interact. Such technology may include electronic communications, information~~
 20 ~~technology, asynchronous store-and-forward transfer technology, or technology that~~
 21 ~~facilitates synchronous interaction between a physician at a distant site and a patient~~
 22 ~~at an originating site. The term "telemedicine" shall not include any of the following:~~

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

26 (b) ~~Facsimile transmissions.~~

27 **"Telehealth" shall have the same meaning as that term defined in R.S.**
 28 **40:1223.3.**

29 * * *

30 §1271. License to practice medicine ~~or telemedicine~~ required

1 A. No Except as provided in the Louisiana Telehealth Access Act, R.S.
 2 40:1223.1 et seq., no person shall practice medicine as defined in this Part until he
 3 possesses a duly recorded license issued pursuant to this Part, a permit or registration
 4 as provided for in this Part, or a certificate issued pursuant to Part I-D of this
 5 Chapter.

6 ~~B.(1) No person shall practice or attempt to practice medicine across state~~
 7 ~~lines without first complying with the provisions of this Part and without being a~~
 8 ~~holder of either an unrestricted license to practice medicine in Louisiana or a~~
 9 ~~telemedicine license entitling him to practice medicine pursuant to R.S. 37:1276.1.~~

10 ~~(2) Except as provided in R.S. 37:1271.1 and 1276.1, all of the following~~
 11 ~~shall apply to any physician practicing telemedicine as defined in this Part:~~

12 ~~(a) The physician practicing telemedicine shall use the same standard of care~~
 13 ~~as if the healthcare services were provided in person.~~

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

17 ~~(i) Holds an unrestricted license to practice medicine in Louisiana.~~

18 ~~(ii) Has access to the patient's medical records upon consent of the patient.~~

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

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

23 ~~(3) Except as authorized by R.S. 37:1271.1 or otherwise by rule promulgated~~
 24 ~~by the board, no physician practicing telemedicine pursuant to this Subsection shall~~
 25 ~~prescribe any controlled dangerous substance prior to conducting an appropriate~~
 26 ~~in-person patient history or physical examination of the patient as determined by the~~
 27 ~~board.~~

28 ~~(4) (a) A patient receiving telemedicine services may be in any location at the~~
 29 ~~time that the telemedicine services are rendered. A physician practicing telemedicine~~
 30 ~~may be in any location when providing telemedicine services to a patient.~~

1 are otherwise applicable to the entire practice of medicine.

2 * * *

3 §1285.2. Investigations and adjudications; staff; complaints; board procedure;
4 rulemaking authority

5 * * *

6 D. * * *

7 (2) The provisions of Paragraph (1) of this Subsection shall apply to practice
8 performance reviews of physicians ~~practicing telemedicine.~~ **utilizing telehealth.**

9 * * *

10 Section 4. R.S. 40:1046(K), 1165.2(B), 1167.2(6), 1167.4(E) and (F), 1223.2(3),
11 1223.3(3), (5), and (6)(b), 1223.4(A) and (B)(3), 1223.5, 1237.1(A)(9)(a)(ii)(bb), and
12 2195.1(A)(6) are hereby amended and reenacted and R.S. 40:1223.4(B)(5) through (8) are
13 hereby enacted to read as follows:

14 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
15 regulations of the Louisiana Board of Pharmacy; production facility
16 licensing; permitting by the Louisiana Department of Health

17 * * *

18 K. Nothing in this Part shall be construed or enforced in any manner that
19 prevents ~~a physician~~ **a clinician** authorized by Subsection A of this Section to
20 recommend therapeutic marijuana from recommending therapeutic marijuana
21 through ~~telemedicine,~~ **telehealth,** as defined in ~~R.S. 37:1262,~~ **R.S. 40:1223.3** in this
22 state.

23 * * *

24 §1165.2. Health Care Information Technology and Infrastructure Advisory
25 Collaborative; membership; powers and duties; annual report

26 * * *

27 B. The legislature hereby establishes the Health Care Information
28 Technology and Infrastructure Collaborative to be composed of LARHIX, the Health
29 Information Technology Committee of the Louisiana Health Care Quality Forum and
30 any other current or future regional health information exchange, hereinafter referred

1 to in this Section as "collaborative." The collaborative shall advise the secretary of
 2 the Louisiana Department of Health on strategies for the advancement of the use of
 3 electronic health information technology through the identification of state laws and
 4 regulations that impede such advancement, including but not limited to those laws
 5 and regulations that concern the form of consent to medical treatment and
 6 authorization for other health care transactions, and matters related to facilitation of
 7 ~~telemedicine~~ **telehealth** consultations.

8 * * *

9 §1167.2. Legislative findings; purpose

10 The legislature finds that:

11 * * *

12 (6) In 2007, the state authorized the secretary to enter into a Cooperative
 13 Endeavor Agreement ("CEA") with the Rural Hospital Coalition, Inc. (the
 14 "Coalition"), for the establishment of the Louisiana Rural Health Information
 15 Exchange (LARHIX), a multi-regional health care information exchange. With the
 16 funding provided, seven rural hospitals acquired EHR technology and were linked
 17 to Louisiana State University Health Sciences Center - Shreveport (LSUHSC-S) via
 18 a state-of-the-art integration engine, permitting a panel of specialists to access a rural
 19 patient's medical record in real time while consulting with the patient over the
 20 ~~telemedicine~~ **telehealth** equipment located at the rural hospital. In 2008, the state
 21 entered into a five-year CEA with the Coalition and provided funding to expand the
 22 network to seven additional rural hospitals. LARHIX has been honored as a network
 23 model with multiple award nominations by national technology organizations.

24 * * *

25 §1167.4. Establishment of the Electronic Health Records Loan Program

26 * * *

27 E. The secretary is authorized to enter into CEAs to facilitate with any entity
 28 access to the ARRA loan program funding and to make loans to eligible providers
 29 to provide for the acquisition and implementation of certified EHR technology by
 30 eligible providers, and where integrated, ~~telemedicine~~ **telehealth** technology.

1 F. To provide for the expansion and administration of LARHIX and other
 2 related matters, the secretary shall enter into a CEA with the Coalition, the terms of
 3 which shall govern the program's loans made available to rural hospitals, and with
 4 the secretary's approval, to other rural health care providers who have elected to
 5 partner with rural hospitals in the acquisition of certified EHR technology. For
 6 purposes of this Subsection and to the extent permitted by the ARRA, certified EHR
 7 technology will include ~~telemedicine~~ **telehealth** technology which such technology
 8 is fully integrated with the certified EHR technology acquired by the hospital.

9 * * *

10 §1223.2. Legislative findings

11 The legislature hereby finds and declares the following:

12 * * *

13 (3) Telehealth services could potentially address a great unmet need for
 14 health care by persons who have limited access to ~~both~~ traditional healthcare settings
 15 and to telemedicine as currently defined in Louisiana law.

16 * * *

17 §1223.3. Definitions

18 As used in this Part, the following terms have the meaning ascribed in this
 19 Section:

20 * * *

21 (3) "Healthcare provider" means a person, partnership, limited liability
 22 partnership, limited liability company, corporation, facility, or institution licensed
 23 or certified by this state to **practice medicine or provide healthcare health care** or
 24 **healthcare** professional services as a ~~physician assistant; hospital; nursing home;~~
 25 ~~dentist; registered nurse; advanced practice registered nurse; licensed dietitian or~~
 26 ~~nutritionist; licensed practical nurse; certified nurse assistant; offshore health service~~
 27 ~~provider; ambulance service; licensed midwife; pharmacist; speech-language~~
 28 ~~pathologist; audiologist; optometrist; podiatrist; chiropractor; physical therapist;~~
 29 ~~occupational therapist; certified or licensed athletic trainer; psychologist; medical~~
 30 ~~psychologist; social worker; licensed professional counselor; licensed perfusionist;~~

1 licensed respiratory therapist; licensed radiologic technologist; licensed hearing aid
 2 dealer; licensed, certified, or registered addiction counselor; licensed, certified, or
 3 registered prevention professional; certified compulsive gambling counselor;
 4 behavioral health provider who works for a licensed agency or credentialed provider
 5 which provides community psychiatric support and treatment services or
 6 psychosocial rehabilitation services as defined in R.S. 40:2162; or licensed clinical
 7 laboratory scientist which may be provided by telehealth in the ordinary course
 8 of business or practice of a profession.

9 * * *

10 (5) "Synchronous interaction" means communication through interactive
 11 technology that enables a healthcare provider and a patient at two locations separated
 12 by distance to interact via two-way video and audio transmissions simultaneously.
 13 ~~The healthcare provider may utilize interactive audio without the requirement of~~
 14 ~~video if, after access and review of the patient's medical records, the provider~~
 15 ~~determines that he is able to meet the same standard of care as if the healthcare~~
 16 ~~services were provided in person.~~

17 (6)

18 * * *

19 (b) For purposes of this Paragraph, "behavioral health services" means ~~those~~
 20 services all of the following:

21 (i) Behavioral health services as defined in R.S. 40:2153 that are
 22 appropriate for the patient and delivered by a licensed mental health professional,
 23 acting within the scope of applicable state laws and his professional license for
 24 services identified by Louisiana Department of Health, to treat mental illness or
 25 substance use.

26 (ii) Services provided by a behavioral health provider who works for a
 27 licensed agency or credentialed provider which provides community psychiatric
 28 support and treatment services or psychosocial rehabilitation services as
 29 defined in R.S. 40:2162.

30 §1223.4. Telehealth; rulemaking required

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

8 B. The rules shall, at a minimum, provide for all of the following:

9 * * *

10 (3)(a) Licensing or registration of out-of-state healthcare providers who seek
 11 to furnish healthcare services via telehealth to persons at originating sites in
 12 Louisiana. The rules shall ensure that ~~any such~~ **the** healthcare provider possesses, at
 13 a minimum, an unrestricted and unencumbered license in good standing to perform
 14 the healthcare service in the state in which the healthcare provider is located, and that
 15 the license is comparable to its corresponding license in Louisiana as determined by
 16 the respective Louisiana licensing agency, board, or commission.

17 (b) Each state agency and professional or occupational licensing board or
 18 commission is authorized to ~~may~~ provide by rule for a reasonable fee for the license
 19 or registration provided for in this Subsection.

20 * * *

21 **(5) Except as otherwise provided in Paragraph (6) of this Subsection, a**
 22 **healthcare provider shall not be required to conduct an in-person patient**
 23 **history or physical examination of the patient before engaging in a telehealth**
 24 **encounter but shall provide a referral to a healthcare provider in this state or**
 25 **arrange for follow-up care in this state as necessary.**

26 **(6) Except as authorized by R.S. 37:1271.1 or otherwise by rule**
 27 **promulgated by a state agency or professional or occupational licensing board**
 28 **or commission, no healthcare provider shall prescribe any controlled dangerous**
 29 **substance prior to conducting an appropriate in-person patient history or**
 30 **physical examination of the patient as determined by the appropriate state**

1 agency or professional or occupational licensing board or commission.

2 (7) A healthcare provider may use interactive audio without the
3 requirement of video if, after access and review of the patient's medical records,
4 the healthcare provider determines that he is able to meet the same standard of
5 care as if the healthcare services were provided in person.

6 (8) Creation of a record on each patient. The record shall be made
7 available, upon request, to the state agency or professional or occupational
8 licensing board or commission that regulates the practice of the healthcare
9 provider.

10 * * *

11 §1223.5. Venue; telehealth and telemedicine

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

19 * * *

20 §1237.1. Definitions and general application

21 A. As used in this Part:

22 * * *

23 (9)(a) "State health care provider" or "person covered by this Part" means:

24 * * *

25 (ii) A person acting in a professional capacity in providing health care
26 services, by or on behalf of the state, including but not limited to a physician,
27 psychologist, coroner, and assistant coroner who is a licensed physician when acting
28 solely in accordance with the Behavioral Health Law as provided in R.S. 28:50 et
29 seq., provided that the premium costs of such malpractice coverage shall be the
30 responsibility of the coroner's office, dentist, a licensed dietician or licensed

1 nutritionist employed by, referred by, or performing work under contract for, a state
 2 health care provider or other person already covered by this Part, registered nurse,
 3 licensed practical nurse, nurse practitioner, clinical nurse specialist, pharmacist,
 4 optometrist, podiatrist, physical therapist, occupational therapist, licensed respiratory
 5 therapist, licensed radiologic technologist, licensed clinical laboratory scientist,
 6 social worker, hospital administrator, or licensed professional counselor, who is
 7 either:

8 * * *

9 (bb) Performing voluntary professional or ~~telemedicine~~ telehealth services
 10 in a health care facility or institution for or on behalf of the state.

11 * * *

12 §2195.1. State office of rural health

13 A. Within the Louisiana Department of Health, the Louisiana state office of
 14 rural health shall:

15 * * *

16 (6) Provide statewide technical assistance in conjunction with the Louisiana
 17 Rural Health Association on establishment of rural health clinics and on grant
 18 writing, especially related to rural health outreach grants, ~~telemedicine~~ telehealth
 19 grants, and other grants available to increase rural health access.

20 * * *

21 Section 5. R.S. 46:978.1(2) is hereby amended and reenacted to read as follows:

22 §978.1. Definitions

23 As used in this Chapter, the following definitions shall apply:

24 * * *

25 (2) "Health information technology" shall mean information technology used
 26 in health care, including but not limited to electronic health ~~records~~/electronic
 27 records or electronic medical records, computerized physician order entry, health
 28 information exchange, ~~telemedicine~~ telehealth, and other relevant information
 29 technology deemed appropriate by the secretary of the department.

30 * * *

1 Section 6. R.S. 22:1841(6) and R.S. 37:1276.1 are hereby repealed.

2 Section 7. This Act shall become effective on January 1, 2024.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____