

Regular Session, 2014

HOUSE BILL NO. 1003

BY REPRESENTATIVE ORTEGO

HEALTH CARE: Provides relative to telemedicine

1 AN ACT

2 To amend and reenact R.S. 37:1262(4) and 1276.1(B)(2)(a) and to enact R.S. 37:1271(B)(3),
3 relative to telemedicine; to amend the definition of telemedicine to include the use
4 of asynchronous store-and-forward technology for certain consultations; to exempt
5 certain consultations from requiring the presence of a licensed Louisiana health care
6 professional; to require an appropriate examination of a patient; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1262(4) and 1276.1(B)(2)(a) are hereby amended and reenacted
10 and R.S. 37:1271(B)(3) is hereby enacted to read as follows:

11 §1262. Definition

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

14 * * *

15 (4) "Telemedicine" means the practice of health care delivery, diagnosis,
16 consultation, treatment, and transfer of medical data using interactive
17 telecommunication technology that enables a health care practitioner and a patient
18 at two locations separated by distance to interact via two-way video and audio
19 transmissions simultaneously. Telemedicine shall also include the use of
20 asynchronous store-and-forward technology by a health care practitioner, located at
21 a site other than the site where the patient is located, to provide a consultation
22 relating to the health care diagnosis or treatment of the patient. Neither a telephone

1 conversation nor an electronic mail message between a health care practitioner and
2 patient, or ~~a true consultation~~ an informal consultation or second opinion as may be
3 defined by rules promulgated by the board pursuant to the Administrative Procedure
4 Act, constitutes telemedicine for the purposes of this Part.

5 * * *

6 §1271. License to practice medicine or telemedicine required

7 * * *

8 B.

9 * * *

10 (3) The provisions of Paragraph (2) of this Subsection shall not apply to the
11 practice of telemedicine by a health care practitioner, located at a site other than the
12 site where the patient is located, using asynchronous store-and-forward technology
13 to provide a consultation relating to the health care diagnosis or treatment of a
14 patient.

15 * * *

16 §1276.1. Telemedicine license

17 * * *

18 B. The board shall establish by rule in accordance with the Administrative
19 Procedure Act the requirements for licensure under this Section provided the rules
20 include the following:

21 * * *

22 (2) The physician, when examining a patient by telemedicine, shall establish
23 a bona fide physician-patient relationship by:

24 (a) Conducting an appropriate examination of the patient as determined by
25 the board. An examination conducted pursuant to this Paragraph for the purposes of
26 providing a consultation relating to the health care diagnosis or treatment of a patient
27 shall not require that the physician or other health care professional be present with
28 the patient but may include but not be limited to review of any relevant history,

1 examination by electronic means using a secure video line, laboratory or diagnostic
2 studies, review of diagnoses, or other information deemed pertinent by the physician.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ortego

HB No. 1003

Abstract: Expands the definition of telemedicine to include the use of asynchronous store-and-forward technology by a health care practitioner, located at a site other than the site where the patient is located, to provide a consultation relating to the health care diagnosis or treatment of the patient.

Present law defines "telemedicine" as the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data using interactive telecommunication technology that enables a health care practitioner and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously.

Proposed law retains present law and expands the definition of "telemedicine" to include the use of asynchronous store-and-forward technology by a health care practitioner, located at a site other than the site where the patient is located, to provide a consultation relating to the health care diagnosis or treatment of the patient.

Present law provides that neither a telephone conversation nor an electronic mail message between a health care practitioner and patient, or a true consultation constitutes telemedicine.

Proposed law retains present law but clarifies the phrase "true consultation" by changing it to "informal consultation or second opinion".

Present law requires any person authorized by the La. State Board of Medical Examiners to practice telemedicine to ensure that a La. licensed health care professional who can adequately and accurately assist is in the examination room with the patient at the time the patient is receiving telemedicine services.

Proposed law retains present law but adds an exemption for the practice of telemedicine by a health care practitioner, located at a site other than the site where the patient is located, using asynchronous store-and-forward technology to provide a consultation relating to the health care diagnosis or treatment of a patient.

Present law requires a physician, when examining a patient by telemedicine, to establish a bona fide physician-patient relationship by conducting an appropriate examination of the patient as determined by the board.

Proposed law retains present law but further provides that an examination conducted for the purposes of providing a consultation relating to the health care diagnosis or treatment of a patient shall not require that the physician or other health care professional be present with the patient but may include but not be limited to review of any relevant history, examination by electronic means using a secure video line, laboratory or diagnostic studies, review of diagnoses, or other information deemed pertinent by the physician.

(Amends R.S. 37:1262(4) and 1276.1(B)(2)(a); Adds R.S. 37:1271(B)(3))