

Regular Session, 2014

SENATE BILL NO. 501

BY SENATOR HEITMEIER

HEALTH CARE. Provides for telemedicine. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:1262(4),1271(B)(2), and 1276.1(B), relative to telemedicine;
3 to define telemedicine; to provide for a telemedicine license; to provide for an
4 effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:1262(4),1271(B)(2), and 1276.1(B) are hereby amended and
7 reenacted to read as follows:

8 §1262. Definition

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

11 * * *

12 (4) "Telemedicine" means the practice of health care delivery, diagnosis,
13 consultation, treatment, and transfer of medical data using interactive
14 telecommunication technology that enables a health care practitioner and a patient
15 at two locations separated by distance to interact via two-way video and audio
16 transmissions simultaneously. Neither a telephone conversation, nor an electronic
17 mail message, **or a conference using telemedicine technology between a health**

1 **care practitioner and an established patient** between a ~~health care practitioner and~~
2 ~~patient~~ **regularly scheduled office visits**, or a true consultation, as may be defined
3 by rules promulgated by the board pursuant to the Administrative Procedure Act,
4 constitutes telemedicine for the purposes of this Part.

5 * * *

6 §1271. License to practice medicine or telemedicine required

7 * * *

8 B.(1)

* * *

9 (2) Any person authorized by the board to practice telemedicine as defined
10 in this Part shall ensure that a licensed health care professional who can adequately
11 and accurately assist with any of the requirements listed in R.S. 37:1276.1(B)(2) is
12 in the examination room with the patient at the time such patient is receiving
13 telemedicine services. The board shall promulgate rules in accordance with the
14 Administrative Procedure Act to establish what type of health care professional is
15 necessary and appropriate under the circumstances **and any exemption to the**
16 **requirements of this Paragraph as it may deem proper.**

17 * * *

18 §1276.1. Telemedicine license

19 * * *

20 B. The board shall establish by rule in accordance with the Administrative
21 Procedure Act the requirements for **telemedicine** licensure **by those holding an**
22 **unrestricted license or permit to practice medicine in this state and for**
23 **applicants for a telemedicine license** under this ~~Section~~ **Part** provided the rules
24 include the following:

25 (1) ~~The physician licensed under this Section shall not open an office in this~~
26 ~~state, shall not meet with patients in this state, and shall not receive calls in this state~~
27 ~~from patients.~~

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

1 (a) Conducting an appropriate examination of the patient as determined by
2 the board.

3 (b) Establishing a diagnosis through the use of accepted medical practices
4 including but not limited to patient history, mental status, and appropriate diagnostic
5 and laboratory testing.

6 (c) Discussing with the patient any diagnosis as well as the risks and benefits
7 of various treatment options.

8 (d) Ensuring the availability for appropriate follow-up care.

9 (e) Fulfilling any other requirements as deemed appropriate and necessary
10 by the board.

11 ~~(3)~~(2)The board may establish by rule additional qualifications, requirements,
12 scope, and limitations of the use of telemedicine in this state as the board may deem
13 appropriate.

14 * * *

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Heitmeier (SB 501)

Present law provides neither a telephone conversation nor an electronic mail message between a health care practitioner and patient, or a true consultation as may be defined by rules promulgated by the Louisiana State Board of Medical Examiners (LSBME) pursuant to the Administrative Procedure Act (APA), constitutes telemedicine.

Proposed law amends present law to provide neither a telephone conversation, nor an electronic mail message, or a conference using telemedicine technology between a health care practitioner and an established patient between regularly scheduled office visits, or a true consultation, as may be defined by rules promulgated by the board pursuant to the APA, constitutes telemedicine.

Present law provides LSBME shall promulgate rules in accordance with the APA to establish what type of health care professional is necessary and appropriate under the

circumstances to be present in the room with the patient.

Proposed law amends present law to provide LSBME shall promulgate rules in accordance with the APA to establish what type of health care professional is necessary and appropriate under the circumstances to be present in the room with the patient and any exemption to the requirements of the present law as it may deem proper.

Present law provides LSBME shall establish by rule in accordance with the APA the requirements for licensure under present law provided the rules include the following:

- (1) The physician licensed under present law shall not open an office in this state, shall not meet with patients in this state, and shall not receive calls in this state from patients.
- (2) The physician, when examining a patient by telemedicine, shall establish a bona fide physician-patient relationship by:
 - (a) Conducting an appropriate examination of the patient as determined by the board.
 - (b) Establishing a diagnosis through the use of accepted medical practices including but not limited to patient history, mental status, and appropriate diagnostic and laboratory testing.
 - (c) Discussing with the patient any diagnosis as well as the risks and benefits of various treatment options.
 - (d) Ensuring the availability for appropriate follow-up care.
 - (e) Fulfilling any other requirements as deemed appropriate and necessary by the LSBME.
- (3) The LSBME may establish by rule additional qualifications, requirements, scope, and limitations of the use of telemedicine in this state as the LSBME may deem appropriate.

Proposed law amends present law to provide LSBME shall establish by rule in accordance with the APA the requirements for telemedicine licensure by those holding an unrestricted license or permit to practice medicine in this state and for applicants for a telemedicine license under present law provided the rules include the following:

- (1) The physician, when examining a patient by telemedicine, shall establish a bona fide physician-patient relationship by:
 - (a) Conducting an appropriate examination of the patient as determined by the board.
 - (b) Establishing a diagnosis through the use of accepted medical practices including but not limited to patient history, mental status, and appropriate diagnostic and laboratory testing.
 - (c) Discussing with the patient any diagnosis as well as the risks and benefits of various treatment options.
 - (d) Ensuring the availability for appropriate follow-up care.
 - (e) Fulfilling any other requirements as deemed appropriate and necessary by the board.

- (2) The LSBME may establish by rule additional qualifications, requirements, scope, and limitations of the use of telemedicine in this state as the LSBME may deem appropriate.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1262(4), 1271(B)(2), and 1276.1(B))