
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))