
DIGEST

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HCR 4 Engrossed

2015 Regular Session

Simon

Present law, R.S. 24:117(B)(2), authorizes the legislature to express the intended meaning of a law in a duly adopted concurrent resolution.

Present law, R.S. 37:1271(B)(2)(a) and (3), requires that a physician who practices telemedicine use the same standard of care as if the healthcare services were provided in person, and authorizes a physician to prescribe a controlled substance through telemedicine after he has conducted an appropriate in-person patient history or physical examination of the patient.

Proposed resolution expresses the intent of the legislature that present law establishes the standard of care that physicians are required to use in the practice of telemedicine, and declares that any administrative rules proposing to establish a standard of care that differs from the standard specified in law are inconsistent with the intent of the legislature.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original resolution:

1. Delete a reference to a provision of present law.
2. Indicate that with respect to a specific standard of medical care which would apply in a given situation, the La. State Board of Medical Examiners lacks the authority to specify practices or actions which constitute an appropriate standard of care, as the statutes delineating what does and does not constitute an appropriate standard of care are not those providing for the powers of the board, but rather are those which define medical malpractice.