
 DIGEST

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SB 328 Reengrossed

2016 Regular Session

Claitor

Present law requires a physician practicing telemedicine to maintain a physical practice location in Louisiana or affirm that he has an arrangement for referrals with a physician in Louisiana. Proposed law repeals present law.

Proposed law adds the following as conditions under which a physician practicing telemedicine would be exempt from the requirement to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter:

- (1) The physician creates a medical record on the patient and makes the record available to the board upon request.
- (2) If follow-up care is indicated, the physician provides a referral to a physician in La. or arranges for such follow-up care as may be necessary.

Proposed law authorizes healthcare providers delivering telehealth services to utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.

Present law provides for promulgation of administrative rules by professional and occupational licensing boards concerning delivery of telehealth services by healthcare professionals. Proposed law provides that such rules shall not be more restrictive than present law.

Proposed law provides that venue in lawsuits involving care rendered via telemedicine shall be in the district court for the parish in which the patient resides, or in the district court for the parish where the patient was physically located during the telemedicine encounter.

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

(Amends R.S. 37:1271(B)(2)(b) and R.S. 40:1223.3(5) and 1223.4(A); adds R.S. 40:1223.5)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill:

1. Add the following as conditions under which a physician practicing telemedicine would be exempt from the requirement to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter:
 - (a) The physician creates a medical record on the patient and makes the record available to the board upon request.
 - (b) If follow-up care is indicated, the physician provides a referral to a physician in La. or arranges for such follow-up care as may be necessary.
2. Delete proposed law providing that the term "synchronous interaction", for purposes of present law relative to telehealth access (R.S. 40:1223.1 et seq.), encompasses interaction via two-way video or audio.

3. Restore present law providing that the term "synchronous interaction", for purposes of present law relative to telehealth access (R.S. 40:1223.1 et seq.), encompasses interaction via two-way video and audio simultaneously.
4. Stipulate that a healthcare provider may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.
5. Revise proposed law relative to venue in lawsuits involving care rendered via telemedicine to provide that venue in such lawsuits shall be proper in the district court for the parish in which the patient resides, or in the district court for the parish where the patient was physically located during the telemedicine encounter.
6. Change effective date of proposed law from Aug. 1, 2016 to date of signature by the governor or lapse of time for gubernatorial action.