

GREEN SHEET REDIGEST

HB 570

2016 Regular Session

Schroder

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

Provides relative to the practice of telemedicine.

DIGEST

Present law provides that in order to practice telemedicine in the state, a physician must meet the following qualifications:

- (1) Use the same standard of care as he does in person.
- (2) Possess an unrestricted license to practice medicine in Louisiana.
- (3) Upon the patient's consent, has access to his records.
- (4) Maintain a physical office within the state or an arrangement with a physician who maintains a physical office within the state, for the purpose of referrals and follow up visits when necessary.

Proposed law deletes the requirement that a physician maintain an office or an arrangement with a physician who maintains an office within the state, and otherwise retains present law.

Proposed law adds qualifications that the physician must create a medical record on each patient and make the record available to the board upon request and refer the patient to a physician in this state for follow-up care as necessary.

Present law provides definitions, including the definition for "synchronous interaction", which allows for remote communication between a physician and a patient and provides that the communication be by video and audio transmission simultaneously.

Proposed law provides that the communication be both video and audio, but provides an exception that the healthcare provider may use audio without video if the provider determines that he can meet the same standards of care if the services were provided in person.

Present law bestows rulemaking authority upon each state agency and each professional or occupational licensing board or commission that regulates the practice of telemedicine.

Proposed law requires that any rules and regulations promulgated be consistent with and no more restrictive than the provisions of present law.

Proposed law establishes venue in the district court for the parish in which the patient resides.

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

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the engrossed bill

- 1. Added qualifications for a physician practicing telemedicine that the physician must create a medical record on each patient and make the record

available to the board of medical examiners upon request and refer the patient to a physician in this state for follow-up care as necessary.

2. Restored the requirement that the synchronous interaction must be both audio and video, but the healthcare provider may use just audio if based on the patient's medical records, he determines that he can meet the same standard of care as if they were in person.
3. Added a venue provision to establish that venue in a suit arising out of the telemedicine encounter is the district court for the parish in which the patient resides.
4. Added provision to make instrument effective upon signature of the governor.
5. Made technical corrections.