2016 Regular Session

HOUSE BILL NO. 570

1

BY REPRESENTATIVE SCHRODER

2	To amend and reenact R.S. 37:1271(B)(2)(b) and (4) and R.S. 40:1223.3(5) and 1223.4(A)
3	and to enact R.S. 37:1271(B)(6) and R.S. 40:1223.5, relative to the practice of
4	telemedicine; to provide with respect to communication between a telemedicine
5	provider and a patient; to provide for medical record maintenance; to provide for in-
6	state referrals; to provide for venue in suits involving care rendered via telehealth or
7	telemedicine; to provide with respect to the promulgation of rules and regulations;
8	to provide for an effective date; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 37:1271(B)(2)(b) and (4) are hereby amended and reenacted and R.S.
1	37:1271(B)(6) is hereby enacted to read as follows:
12	§1271. License to practice medicine or telemedicine required
13	* * *
14	В.
15	* * *
16	(2) Except as provided in R.S. 37:1276.1, all of the following shall apply to
17	any physician practicing telemedicine as defined in this Part:
18	* * *
19	(b) The physician practicing telemedicine shall not be required to conduct
20	an in-person patient history or physical examination of the patient before engaging
21	in a telemedicine encounter if the physician satisfies all of the following conditions:
22	(i) Holds an unrestricted license to practice medicine in Louisiana.
23	(ii) Has access to the patient's medical records upon consent of the patient.

AN ACT

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CODING: Words in struck through type are deletions from existing law; words $\underline{\text{underscored}}$ are additions.

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1	(iii) Maintains a physical practice location within the state of Louisiana or
2	executes an affirmation with the board that the physician has an arrangement with
3	another physician who maintains a physical practice location in Louisiana to provide
4	for referrals and follow-up care which may be necessary.
5	(iii) Creates a medical record on each patient and makes such record
6	available to the board upon request.
7	(iv) If necessary, provides a referral to a physician in this state or arranges
8	for follow-up care in this state as may be indicated.
9	* * *
10	(4) (a) A patient receiving telemedicine services may be in any location at
11	the time that the telemedicine services are rendered. A physician practicing
12	telemedicine may be in any location when providing telemedicine services to a
13	patient.
14	(b) A physician practicing telemedicine may utilize interactive audio without
15	the requirement of video if, after access and review of the patient's medical records,
16	the physician determines that he is able to meet the same standard of care as if the
17	healthcare services were provided in person.
18	* * *
19	(6) Venue in any suit filed involving care rendered via telemedicine shall be
20	in accordance with the provisions of R.S. 40:1223.5.
21	* * *
22	Section 2. R.S. 40:1223.3(5) and 1223.4(A) are hereby amended and reenacted and
23	R.S. 40:1223.5 is hereby enacted to read as follows:
24	§1223.3. Definitions
25	* * *
26	(5) "Synchronous interaction" means communication through interactive
27	technology that enables a healthcare provider and a patient at two locations separated
28	by distance to interact via two-way video and audio transmissions simultaneously.
29	The healthcare provider may utilize interactive audio without the requirement of
30	video if, after access and review of the patient's medical records, the provider

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determines that he is able to meet the same standard of care as if the healthcare services were provided in person.

3 * * *

APPROVED: _____

§1223.4. Telehealth; rulemaking required

A. Each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider, as defined in this Part, may promulgate, in accordance with the Administrative Procedure Act, any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity. However, any rules and regulations shall be consistent with and no more restrictive than the provisions contained in this Section.

* * *

§1223.5. Venue; telehealth and telemedicine

Venue in any suit filed involving care rendered via telehealth pursuant to the provisions of this Part or telemedicine pursuant to the provisions of R.S. 37:1271(B) shall be proper and instituted before the district court of the judicial district in which the patient resides or in the district court having jurisdiction in the parish where the patient was physically located during the provision of the telehealth or telemedicine service. The patient is considered physically located at the originating site as defined in R.S. 40:1223.3.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES
PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA

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