
DIGEST

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CONFERENCE COMMITTEE REPORT DIGEST

HB 570

2016 Regular Session

Schroder

Keyword and oneliner of the instrument as it left the House

HEALTH SERVICES: Provides relative to the practice of telemedicine

Report adopts Senate amendments to:

1. Restore present law within the La. Telehealth Access Act (R.S. 40:1223.1 et seq.) which defines "synchronous interaction", in part, as entailing interaction via two-way video and audio transmissions simultaneously.
2. Require that physicians who practice telemedicine do all of the following:
 - (a) Create a medical record on each patient and make the record available to the board upon request.
 - (b) If necessary, provide a referral to a physician in this state or arrange for follow-up care in this state as may be indicated.
3. Authorize physicians practicing telemedicine and healthcare providers delivering telehealth services to utilize interactive audio without the requirement of video in cases in which, after review of the patient's medical records, the physician or other healthcare provider determines that he is able to meet the same standard of care as if the care was provided in person.
4. Provide that venue in any lawsuit filed involving care rendered via telemedicine 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; stipulating that the patient is considered physically located at the originating site as defined in present law.
5. Provide that proposed law becomes effective upon signature of the governor or lapse of time for gubernatorial action.
6. Make technical changes.

Report rejects Senate amendments which would have:

1. Amended title citations.

Report amends the bill to:

1. Correct title citations.
2. Revise proposed law relative to venue in lawsuits involving care rendered via certain methods to provide that venue in lawsuits involving care rendered via telehealth or telemedicine 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 provision of the telehealth or telemedicine service.
3. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law relative to the practice of medicine (R.S. 37:1261 et seq.) requires that a physician practicing practice telemedicine in La. do all of the following:

- (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 in La. or an arrangement with a physician who maintains an office within the state. Otherwise, retains present law, and adds a requirement that a physician practicing practice telemedicine in La. do all of the following:

- (1) Create a medical record on each patient and make the record available to the La. State Board of Medical Examiners upon request.
- (2) If necessary, provide a referral to a physician in this state or arrange for follow-up care in this state as may be indicated.

Present law relative to telehealth access (R.S. 40:1223.1 et seq.) authorizes each state agency and professional or occupational licensing board or commission that regulates the practice of healthcare providers other than physicians to promulgate administrative rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services. Proposed law requires that

such rules be consistent with and no more restrictive than present law.

Proposed law authorizes physicians practicing telemedicine and healthcare providers delivering telehealth services to utilize interactive audio without the requirement of video in cases in which, after review of the patient's medical records, the physician or other healthcare provider determines that he is able to meet the same standard of care as if the care was provided in person.

Proposed law provides that venue in any lawsuit filed involving care rendered via telehealth or telemedicine 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 provision of the telehealth or telemedicine service. Stipulates that the patient is considered physically located at the originating site as defined in present law.

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

(Amends R.S. 37:1271(B)(2)(b) and (4) and R.S. 40:1223.3(5) and 1223.4(A); Adds R.S. 37:1271(B)(6) and R.S. 40:1223.5)