

2016 Regular Session

HOUSE BILL NO. 480

BY REPRESENTATIVE JACKSON

HEALTH SERVICES: Provides relative to the practice of telemedicine in licensed healthcare facilities

1 AN ACT

2 To amend and reenact R.S. 37:1271(B)(2)(introductory paragraph) and (3), and to enact R.S.
3 37:1271.1, relative to physicians practicing telemedicine; to provide conditions and
4 authorizations relative to the practice of telemedicine in licensed healthcare facilities;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1271(B)(2)(introductory paragraph) and (3) are hereby amended
8 and reenacted and R.S. 37:1271.1 is hereby enacted to read as follows:

9 §1271. License to practice medicine or telemedicine required

10 * * *

11 B.

12 * * *

13 (2) Except as provided in ~~R.S. 37:1276.1~~ R.S. 37:1271.1 and 1276.1, all of
14 the following shall apply to any physician practicing telemedicine as defined in this
15 Part:

16 * * *

17 (3) Except as authorized by R.S. 37:1271.1 or otherwise by rule promulgated
18 by the board, no physician practicing telemedicine pursuant to this Subsection shall
19 prescribe any controlled dangerous substance prior to conducting an appropriate

1 in-person patient history or physical examination of the patient as determined by the
2 board.

3 * * *

4 §1271.1. Practice of telemedicine in licensed healthcare facilities

5 A. All of the following restrictions and authorizations apply to a physician
6 who holds an unrestricted license to practice medicine from the board and who
7 practices telemedicine upon any patient who is being treated in a healthcare facility
8 that is required to be licensed pursuant to the laws of this state:

9 (1) The physician shall use the same standard of care as if the healthcare
10 services were provided in person.

11 (2) The physician shall be authorized to prescribe any controlled dangerous
12 substance without necessity of conducting an appropriate in-person patient history
13 or physical examination of the patient as otherwise would be required by R.S.
14 37:1271(B)(2).

15 (3) The physician shall not be subject to any regulatory prohibition or
16 restriction on the practice of telemedicine, including prohibitions or restrictions
17 related to prescribing controlled dangerous substances, which are in any manner
18 more restrictive than the prohibitions and restrictions that are otherwise applicable
19 to the entire practice of medicine.

20 B. Nothing in this Section shall prohibit or otherwise restrict the board from
21 taking any action allowed by law or regulation in the administration of any
22 disciplinary matter.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 480 Original

2016 Regular Session

Jackson

Abstract: Provides conditions and authorizations relative to the practice of telemedicine in licensed healthcare facilities.

Present law provides for regulation of the practice of medicine, including telemedicine.

Proposed law retains present law, and provides that all of the following conditions and authorizations shall apply to a physician who holds an unrestricted license to practice medicine from the La. State Board of Medical Examiners and who practices telemedicine upon any patient who is being treated in a healthcare facility that is required to be licensed pursuant to present law:

- (1) The physician shall use the same standard of care as if the healthcare services were provided in person.
- (2) The physician shall be authorized to prescribe any controlled dangerous substance without necessity of conducting an appropriate in-person patient history or physical examination of the patient as otherwise would be required by present law.
- (3) The physician shall not be subject to any regulatory prohibition or restriction on the practice of telemedicine, including prohibitions or restrictions related to prescribing controlled dangerous substances, which are in any manner more restrictive than the prohibitions and restrictions that are otherwise applicable to the entire practice of medicine.

Proposed law provides that nothing therein shall prohibit or otherwise restrict the La. State Board of Medical Examiners from taking any action allowed by law or regulation in the administration of any disciplinary matter.

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

(Amends R.S. 37:1271(B)(2)(intro. para.) and (3); Adds R.S. 37:1271.1)