2016 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVE SCHRODER

HEALTH SERVICES: Provides relative to the practice of telemedicine

1	AN ACT
2	To amend and reenact R.S. 40:1223.3(5) and 1223.4(A) and to repeal R.S.
3	37:1271(B)(2)(b)(iii), relative to the practice of telemedicine; to repeal the
4	requirement that a physician practicing telemedicine maintain an office within the
5	state; to provide with respect to communication between a telemedicine provider and
6	a patient; to provide with respect to the promulgation of rules and regulations; and
7	to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 40:1223.3(5) and 1223.4(A) are hereby amended and reenacted to
10	read as follows:
11	§1223.3. Definitions
12	* * *
13	(5) "Synchronous interaction" means communication through interactive
14	technology that enables a healthcare provider and a patient at two locations separated
15	by distance to interact via two-way video and or audio transmissions simultaneously.
16	* * *
17	§1223.4. Telehealth; rulemaking required
18	A. Each state agency or professional or occupational licensing board or
19	commission that regulates the practice of a healthcare provider, as defined in this
20	Part, may promulgate, in accordance with the Administrative Procedure Act, any
21	rules necessary to provide for, promote, and regulate the use of telehealth in the
22	delivery of healthcare services within the scope of practice regulated by the licensing

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	entity. However, any rules and regulations shall be consistent with and no more
2	restrictive than the provisions contained in this Section.

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Section 2. R.S. 37:1271(B)(2)(b)(iii) is hereby repealed in its entirety.

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)]

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Abstract: Removes the requirement that a physician practicing telemedicine maintain an office or have an arrangement with another physician who maintains an office in this state, and provides with respect to the consistency of telemedicine rules and regulations with the law.

<u>Present law</u> 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.

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

<u>Present law</u> 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.

<u>Proposed law</u> deletes the requirement that the communication be both video and audio, leaving a choice between using video or audio transmission.

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

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

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