

SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 570 by Representative Schroder

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact R.S." insert "37:1271(B)(2)(b)," and after "and to" delete
3 "repeal R.S." and on line 3, delete "37:1271(B)(2)(b)(iii)" and insert "enact R.S. 40:1223.5"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "telemedicine;" delete "to repeal the" and delete line 4, and on line
6 5, delete "state"

7 AMENDMENT NO. 3

8 On page 1, line 6, after "patient;" insert "to provide for medical record maintenance; to
9 provide for in-state referrals; to provide for venue;" and after "regulations;" insert "to
10 provide for an effective date"

11 AMENDMENT NO. 4

12 On page 1, between lines 8 and 9 insert the following:

13 "Section 1. R.S. 37:1271(B)(2)(b) is hereby amended and reenacted to read as
14 follows:

15 §1271. License to practice medicine or telemedicine required

16 * * *

17 B. * * *

18 (2) Except as provided in R.S. 37:1276.1, all of the following shall apply to
19 any physician practicing telemedicine as defined in this Part:

20 * * *

21 (b) The physician practicing telemedicine shall not be required to conduct an
22 in-person patient history or physical examination of the patient before engaging in
23 a telemedicine encounter if the physician satisfies all of the following conditions:

24 (i) Holds an unrestricted license to practice medicine in Louisiana.

25 (ii) Has access to the patient's medical records upon consent of the patient.

26 ~~(iii) Maintains a physical practice location within the state of Louisiana or
27 executes an affirmation with the board that the physician has an arrangement with
28 another physician who maintains a physical practice location in Louisiana to provide
29 for referrals and follow-up care which may be necessary.~~

30 (iii) Creates a medical record on each patient and makes such record available
31 to the board upon request.

32 (iv) If follow-up care is indicated, the physician shall provide a referral to a
33 physician in this state or arrange for such follow-up care as may be necessary.

34 * * *

35 AMENDMENT NO. 5

36 On page 1, line 9, change "Section 1." to "Section 2." and after "reenacted" insert "and R.S.
37 40:1223.5 is hereby enacted"

38 AMENDMENT NO. 6

39 On page 1, line 15, after "video" delete "or" and insert "and" and after "transmissions" insert
40 "simultaneously. The healthcare provider may utilize interactive audio without the
41 requirement of video if, after access and review of the patient's medical records, the provider

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

3 AMENDMENT NO. 7

4 On page 2, delete line 4 and insert:

5 "§1223.5. Venue; telehealth and telemedicine

6 Venue in any suit filed involving care rendered via telemedicine shall be
7 proper in the district court for the parish in which the patient resides or in the district
8 court for the parish where the patient was physically located during the telemedicine
9 encounter. The patient is considered physically located at the originating site as
10 defined in R.S. 40:1223.3.

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