

ACT No. 252

2016 Regular Session

HOUSE BILL NO. 480

BY REPRESENTATIVE JACKSON

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
20 in-person patient history or physical examination of the patient as determined by the
21 board.

22 * * *

23 §1271.1. Practice of telemedicine in licensed healthcare facilities

24 A. All of the following restrictions and authorizations apply to a physician
25 who holds an unrestricted license to practice medicine from the board and who

1 practices telemedicine upon any patient who is being treated at a healthcare facility
2 that is required to be licensed pursuant to the laws of this state and which holds a
3 current registration with the U.S. Drug Enforcement Administration:

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

6 (2) The physician shall be authorized to prescribe any controlled dangerous
7 substance without necessity of conducting an appropriate in-person patient history
8 or physical examination of the patient as otherwise would be required by R.S.
9 37:1271(B)(2).

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____