

2016 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVE SCHRODER

1 AN ACT

2 To amend and reenact R.S. 37:1271(B)(2)(b) and (4) and R.S. 40:1223.3(5) and 1223.4(A)  
3 and to enact R.S. 37:1271(B)(6) and R.S. 40:1223.5, relative to the practice of  
4 telemedicine; to provide with respect to communication between a telemedicine  
5 provider and a patient; to provide for medical record maintenance; to provide for in-  
6 state referrals; to provide for venue in suits involving care rendered via telehealth or  
7 telemedicine; to provide with respect to the promulgation of rules and regulations;  
8 to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1271(B)(2)(b) and (4) are hereby amended and reenacted and R.S.  
11 37:1271(B)(6) is hereby enacted to read as follows:

12 §1271. License to practice medicine or telemedicine required

13 \* \* \*

14 B.

15 \* \* \*

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

18 \* \* \*

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

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

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

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

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

7 (iv) If necessary, provides a referral to a physician in this state or arranges  
 8 for follow-up care in this state as may be indicated.

9 \* \* \*

10 (4) (a) A patient receiving telemedicine services may be in any location at  
 11 the time that the telemedicine services are rendered. A physician practicing  
 12 telemedicine may be in any location when providing telemedicine services to a  
 13 patient.

14 (b) A physician practicing telemedicine may utilize interactive audio without  
 15 the requirement of video if, after access and review of the patient's medical records,  
 16 the physician determines that he is able to meet the same standard of care as if the  
 17 healthcare services were provided in person.

18 \* \* \*

19 (6) Venue in any suit filed involving care rendered via telemedicine shall be  
 20 in accordance with the provisions of R.S. 40:1223.5.

21 \* \* \*

22 Section 2. R.S. 40:1223.3(5) and 1223.4(A) are hereby amended and reenacted and  
 23 R.S. 40:1223.5 is hereby enacted to read as follows:

24 §1223.3. Definitions

25 \* \* \*

26 (5) "Synchronous interaction" means communication through interactive  
 27 technology that enables a healthcare provider and a patient at two locations separated  
 28 by distance to interact via two-way video and audio transmissions simultaneously.  
 29 The healthcare provider may utilize interactive audio without the requirement of  
 30 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  
2 services were provided in person.

3 \* \* \*

4 §1223.4. Telehealth; rulemaking required

5 A. Each state agency or professional or occupational licensing board or  
6 commission that regulates the practice of a healthcare provider, as defined in this  
7 Part, may promulgate, in accordance with the Administrative Procedure Act, any  
8 rules necessary to provide for, promote, and regulate the use of telehealth in the  
9 delivery of healthcare services within the scope of practice regulated by the licensing  
10 entity. However, any rules and regulations shall be consistent with and no more  
11 restrictive than the provisions contained in this Section.

12 \* \* \*

13 §1223.5. Venue; telehealth and telemedicine

14 Venue in any suit filed involving care rendered via telehealth pursuant to the  
15 provisions of this Part or telemedicine pursuant to the provisions of R.S. 37:1271(B)  
16 shall be proper and instituted before the district court of the judicial district in which  
17 the patient resides or in the district court having jurisdiction in the parish where the  
18 patient was physically located during the provision of the telehealth or telemedicine  
19 service. The patient is considered physically located at the originating site as defined  
20 in R.S. 40:1223.3.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_