

RÉSUMÉ DIGEST

ACT 630 (HB 570)

2016 Regular Session

Schroder

Prior law, relative to the practice of medicine (R.S. 37:1261 et seq.), required that a physician practicing telemedicine in La. do all of the following:

- (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.

New law deletes the requirement that a physician maintain an office in La. or an arrangement with a physician who maintains an office within the state; retains as existing law the other three requirements listed above; and adds requirements that a physician practicing telemedicine in La. do all of the following:

- (1) Create a medical record on each patient and make the record available to the La. State Board of Medical Examiners upon request.
- (2) If necessary, provide a referral to a physician in this state or arrange for follow-up care in this state as may be indicated.

Existing law, relative to telehealth access (R.S. 40:1223.1 et seq.), authorizes each state agency and professional or occupational licensing board or commission that regulates the practice of healthcare providers other than physicians to promulgate administrative rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services. New law requires that such rules be consistent with and no more restrictive than existing law.

New law authorizes physicians practicing telemedicine and healthcare providers delivering telehealth services to utilize interactive audio without the requirement of video in cases in which, after review of the patient's medical records, the physician or other healthcare provider determines that he is able to meet the same standard of care as if the care was provided in person.

New law provides that venue in any lawsuit filed involving care rendered via telehealth or telemedicine shall be proper in the district court for the parish in which the patient resides or in the district court for the parish where the patient was physically located during the provision of the telehealth or telemedicine service. Stipulates that the patient is considered physically located at the originating site as defined in existing law.

Effective upon signature of governor (June 17, 2016).

(Amends R.S. 37:1271(B)(2)(b) and (4) and R.S. 40:1223.3(5) and 1223.4(A); Adds R.S. 37:1271(B)(6) and R.S. 40:1223.5)