

## RÉSUMÉ DIGEST

ACT 322 (SB 66)

2023 Regular Session

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Prior law provided for the practice of telemedicine by physicians and the practice of telehealth by all other healthcare providers. New law repeals provisions relative to telemedicine and specifies that telehealth includes a physician's practice of medicine when conducted through electronic communications.

Existing law defines "telehealth" as healthcare services, including behavioral health services, provided by a healthcare provider to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site. Prior law defined "behavioral health services" as those services defined in existing law that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by La. Dept. of Health, to treat mental illness or substance use. New law adds that behavioral health services also include community psychiatric support and treatment services or psychosocial rehabilitation services provided by an unlicensed behavioral health provider who works for a licensed agency or credentialed provider.

Prior law authorized each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider to promulgate any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity that are consistent with and no more restrictive than the provisions contained in prior law. New law changes the authorization to a requirement for the state agency or professional or occupational licensing board or commission to promulgate rules for telehealth and removes the limitation that the rules be no more restrictive than the provisions contained in new law.

Prior law provided for the minimum content of the rules to be promulgated by the regulatory state agency or professional or occupational licensing board or commission. New law prohibits any requirement for an in-person patient history or physical examination of the patient before engaging in a telehealth encounter unless the healthcare provider is prescribing a controlled dangerous substance and requires a visit record to be created for each patient. New law further provides for exceptions to the requirement for an in-person patient history or physical examination when prescribing a controlled dangerous substance.

New law makes technical changes in prior law to update references from telemedicine to telehealth to conform with new law.

Effective January 1, 2024.

(Amends R.S. 22:11(C)(1)(a)(i), 1821(F)(1) and (2), 1841(3), 1842(A)(1) and (B), and 1843(A)(2) and (B)(1)(a)(ii) and (b)(i) and (iv), R.S. 28:53(B)(1), 53(B)(4)(intro para), 53(F), (G)(2), 53(G)(7)(a)(intro para) and 53(G)(7)(b)(intro para) and 53(G)(7)(b)(ii), and (J)(1), R.S. 37:1262(4), 1271, 1271.1(A)(intro para), 1271.1(A)(2) and (3), 1285.2(D)(2), R.S. 40:1046(K), 1165.2(B), 1167.2(6), 1167.4(E) and (F), 1223.2(3), 1223.3(3), (5) and (6)(b), 1223.4(A) and (B)(3), 1223.5, 1237.1(A)(9)(a)(ii)(bb), and 2195.1(A)(6), and R.S. 46:978.1(2); adds R.S. 40:1223.4(B)(5)-(8); repeals R.S. 22:1841(6) and R.S. 37:1276.1)