

Existing law defines "telemedicine" as the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data using interactive telecommunication technology that enables a healthcare practitioner and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously.

Prior law required any person authorized by the La. State Board of Medical Examiners (LSBME) to practice telemedicine to ensure that a licensed healthcare professional who can adequately and accurately assist is in the examination room with the patient at the time such patient is receiving telemedicine services.

New law requires any physician practicing telemedicine, except for those physicians practicing pursuant to a telemedicine license, to use the same standard of care as if the healthcare services were provided in person.

New law further provides that a telemedicine provider, except for those physicians practicing pursuant to a telemedicine license, shall not be required to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter if all of the following conditions are met:

- (1) The physician practicing telemedicine holds an unrestricted license to practice medicine in La.
- (2) The physician practicing telemedicine has access to the patient's medical records upon consent of the patient.
- (3) The physician practicing telemedicine maintains a physical practice location within the state of La. or executes an affirmation with the LSBME that the physician has an arrangement with another physician who maintains a physical practice location in Louisiana to provide for referrals and follow up care which may be necessary.

New law prohibits, unless authorized by the LSBME, a physician practicing telemedicine from prescribing any controlled dangerous substance prior to conducting an appropriate in-person patient history or physical examination of the patient as determined by the LSBME.

New law provides that a patient receiving telemedicine services may be in any location at the time that the telemedicine services are rendered and a telemedicine provider may be in any location when providing telemedicine services to a patient.

New law requires a telemedicine provider to document the telemedicine services rendered in the patient's medical records according to the same standard as that required for nontelemedicine services. Medical records, including video, audio, electronic, or other records generated as a result of providing telemedicine services shall be considered as confidential and shall be subject to all applicable state and federal laws and regulations relative to the privacy of health information.

New law defines "telehealth" as a mode of delivering healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from healthcare providers and which allows services to be accessed when providers are in a distant site and patients are in the originating site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

New law authorizes 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.

New law requires that the rules shall, at a minimum, provide for all of the following:

- (1) Application of all laws regarding the confidentiality of healthcare information and the patient's rights to the patient's medical information to telehealth interactions.

- (2) Application of the same standard of care by a healthcare provider as if the healthcare services were provided in person.
- (3)(a) Licensing or registration of out-of-state healthcare providers who seek to furnish healthcare services via telehealth to persons at originating sites in La. The rules shall ensure that any such healthcare provider possesses, at a minimum, an unrestricted and unencumbered license in good standing to perform the healthcare service in the state in which the healthcare provider is located, and that the license is comparable to its corresponding license in La. as determined by the respective La. licensing agency, board, or commission.
- (b) Each state agency and professional or occupational licensing board or commission is authorized to provide by rule for a reasonable fee for the license or registration.
- (4) Exemption from the telehealth license or registration requirement for the consultation of a healthcare professional licensed by this state with an out-of-state peer professional.

Nothing in new law shall be construed to authorize a state agency or licensing board or commission to expand, diminish, or alter the scope of practice of any healthcare provider.

Effective Aug. 1, 2014.

(Amends R.S. 37:1271(B)(2); Adds R.S. 37:1271(B)(3)-(5) and R.S. 40:1300.381-1300.384)