

2016 Regular Session

HOUSE BILL NO. 480

BY REPRESENTATIVE JACKSON

HEALTH SERVICES: Provides relative to the practice of telemedicine in licensed healthcare facilities

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

1 in-person patient history or physical examination of the patient as determined by the  
2 board.

3 \* \* \*

4 §1271.1. Practice of telemedicine in licensed healthcare facilities

5 A. All of the following restrictions and authorizations apply to a physician  
6 who holds an unrestricted license to practice medicine from the board and who  
7 practices telemedicine upon any patient who is being treated at a healthcare facility  
8 that is required to be licensed pursuant to the laws of this state and which holds a  
9 current registration with the U.S. Drug Enforcement Administration:

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

12 (2) The physician shall be authorized to prescribe any controlled dangerous  
13 substance without necessity of conducting an appropriate in-person patient history  
14 or physical examination of the patient as otherwise would be required by R.S.  
15 37:1271(B)(2).

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

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

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

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 480 Engrossed

2016 Regular Session

Jackson

**Abstract:** Provides conditions and authorizations relative to the practice of telemedicine in licensed healthcare facilities.

Present law provides for regulation of the practice of medicine, including telemedicine.

Proposed law retains present law, and provides that all of the following conditions and authorizations shall apply to a physician who holds an unrestricted license to practice medicine from the La. State Board of Medical Examiners and who practices telemedicine upon any patient who is being treated at a healthcare facility that is required to be licensed pursuant to present law and which holds a current registration with the U.S. Drug Enforcement Administration:

- (1) The physician shall use the same standard of care as if the healthcare services were provided in person.
- (2) The physician shall be authorized to prescribe any controlled dangerous substance without necessity of conducting an appropriate in-person patient history or physical examination of the patient as otherwise would be required by present law.
- (3) The physician shall not be subject to any regulatory prohibition or restriction on the practice of telemedicine, including prohibitions or restrictions related to prescribing controlled dangerous substances, which are in any manner more restrictive than the prohibitions and restrictions that are otherwise applicable to the entire practice of medicine.

Proposed law provides that nothing therein shall prohibit or otherwise restrict the La. State Board of Medical Examiners from taking any action allowed by law or regulation in the administration of any disciplinary matter.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1271(B)(2)(intro. para.) and (3); Adds R.S. 37:1271.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Stipulate that the healthcare facilities in which telemedicine may be practiced in the manner authorized by proposed law must hold a current registration with the U.S. Drug Enforcement Administration.
2. Make a technical change.