

**ACT No. 630**

2016 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVE SCHRODER

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§1271. License to practice medicine or telemedicine required

\* \* \*

B.

\* \* \*

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

\* \* \*

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

- (i) Holds an unrestricted license to practice medicine in Louisiana.
- (ii) Has access to the patient's medical records upon consent of the patient.



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

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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