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1 A bill to be entitled 2 An act relating to telemedicine services; creating s. 3 456.47, F.S.; defining terms; providing for maintenance of health records and standards of care; 4 providing for use of telemedicine services from any 5 6 location under certain conditions; providing standards 7 for a telemedicine provider to document services in a 8 patient's medical record; providing that a 9 telemedicine provider using telemedicine technology is 10 not practicing medicine without a license under 11 certain circumstances; providing an effective date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Section 1. Section 456.47, Florida Statutes, is created to 16 read: 17 456.47 Telemedicine services.-(1) As used in this section, the term: 18 19 "Telemedicine" means the use of synchronous or 20 asynchronous telecommunications technology by a telemedicine 21 provider to provide health care services. The term does not 22 include audio-only telephone calls, e-mail messages, or 23 facsimile transmissions. "Telemedicine provider" means a health care 24 (b) practitioner as defined in s. 456.001, or a health care provider 25 as defined in s. 408.07, who is licensed in this state or any 26

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other United States jurisdiction and provides telemedicine services.

- (c) "Telemedicine service" means a health care service provided by a telemedicine provider using telemedicine, including, but not limited to, a patient assessment, diagnosis, consultation, treatment, or the monitoring and transfer of medical data.
- (2) The standard of care for telemedicine providers is the same as the standard of care for health care practitioners or health care providers providing face-to-face health care services to patients. A telemedicine provider is not required to research a patient's medical history or conduct a physical examination of the patient before providing telemedicine services to the patient if the telemedicine provider conducts a patient evaluation sufficient to diagnose and treat the patient. The evaluation may be performed using telemedicine.
- (3) A patient receiving telemedicine services may be in any location at the time that the telemedicine services are rendered. A telemedicine provider may be in any location when providing telemedicine services to a patient.
- (4) A telemedicine provider shall document the telemedicine services rendered in the patient's medical records according to the same standard as that required for non-telemedicine services. Medical records, including video, audio, electronic, or other records generated as a result of providing telemedicine services, are confidential in accordance with ss.

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