

By the Committee on Health Care Standards & Regulatory Reform and Representatives Flanagan and Maygarden

1 A bill to be entitled
2 An act relating to medical practice; providing
3 legislative intent; creating the Task Force on
4 Telemedicine; providing for appointment of
5 members; providing for administrative support
6 by the Department of Health; providing duties;
7 requiring a report; providing for termination;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Task Force on Telemedicine.--

13 (1) Because telecommunications technology has made it
14 possible to provide a wide range of health care services
15 across state lines between physicians and patients, it is the
16 intent of the Legislature to protect the health and safety of
17 all patients in this state receiving services by means of such
18 technology and to ensure the accountability of the medical
19 profession with respect to unsafe and incompetent
20 practitioners using such technology to provide health care
21 services to patients in this state.

22 (2)(a) There is created the Task Force on
23 Telemedicine, consisting of nine persons appointed by the
24 Secretary of Health as follows:

25 1. A representative of physicians licensed under
26 chapter 458, Florida Statutes.

27 2. A representative of osteopathic physicians licensed
28 under chapter 459, Florida Statutes.

29 3. A representative of the hospital industry.

30 4. A representative of the managed health care
31 industry.

1 5. A representative of a self-insured entity that is
2 engaged in telemedicine.

3 6. A representative of a medical school or an expert
4 in telemedicine.

5 7. A representative of the nursing home industry.

6 8. A representative of pharmacists licensed under
7 chapter 465, Florida Statutes.

8 9. A representative of a multistate group practice
9 engaged in the practice of telemedicine.

10 (b) The members of the task force shall be appointed
11 by June 1, 1998. The Department of Health shall provide funds
12 for travel expenses and staff support, research, and data
13 retrieval and analysis services, as requested by the task
14 force to fulfill its duties.

15 (3) In consultation with the Office of the Secretary
16 of the United States Department of Health and Human Services,
17 the task force shall address the following:

18 (a) Identification of various electronic
19 communications or telecommunications technologies currently
20 used within the state and by other states to provide medical
21 information.

22 (b) Identification of laws, regulations, and
23 reimbursement practices that serve as barriers to
24 implementation of electronic communications related to medical
25 care.

26 (c) Recommendation of the appropriate level of
27 regulation of health care professionals necessary to protect
28 the health and safety of patients in this state, including
29 analysis of existing provisions governing in-state
30 professionals such as licensing, financial responsibility, and
31 medical malpractice insurance requirements.

1 (d) Potential preemption of state regulation by the
2 Commerce Clause of the United States Constitution.

3 (e) Potential discrimination against an area of
4 medical specialty or against health care professionals of
5 other states or countries imposed by such regulation.

6 (f) Potential antitrust concerns.

7 (g) The effect of reciprocity actions by other states
8 on health care professionals in this state who provide
9 consultative services through telemedicine to entities and
10 patients outside this state.

11 (4) The task force shall submit a report of its
12 findings and recommendations by January 1, 1999, to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives, and is terminated upon submission of
15 the report.

16 Section 2. This act shall take effect upon becoming a
17 law.

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