



483198

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2014	.	
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The Committee on Communications, Energy, and Public Utilities (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 105 - 204

and insert:

(1) An out-of-state physician who provides telemedicine across state lines to a patient physically located in this state must have a Florida license to practice medicine as provided under chapter 458 or chapter 459.

(2) An out-of-state physician is exempt from subsection (1) if:



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11 (a) The out-of-state physician is consulting with a
12 physician licensed to practice medicine in this state; and

13 (b) The physician licensed in this state retains ultimate
14 authority and responsibility for the diagnosis, treatment, and
15 care of the patient located within this state.

16 (3) Physician consultations that occur on an emergency
17 basis and that are conducted via telemedicine are exempt from
18 subsection (1). The terms "emergency services and care" and
19 "emergency medical condition" have the same meanings as provided
20 in s. 395.002.

21 (4) A health care provider or patient presenter acting
22 under the direction and supervision of a physician through the
23 use of telemedicine may not be interpreted as practicing
24 medicine without a license. However, the health care provider
25 must be trained in, educated on, and knowledgeable about the
26 procedure and technology and may not perform duties for which he
27 or she does not have sufficient training, education, and
28 knowledge. Failure to have adequate training, education, and
29 knowledge is grounds for disciplinary action by the appropriate
30 board, or the department if there is no board, or the affiliated
31 regulatory entity for affiliated providers.

32 (5) Upon license renewal, a physician practicing
33 telemedicine shall:

34 (a) Designate himself or herself as a telemedicine provider
35 on the physician's practitioner profile; and

36 (b) Submit proof of successful completion of a course and
37 subsequent examination, approved by the board, on the standards
38 of practice in telemedicine. The course must consist of 2 web-
39 based contact hours. The first course and examination must be



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40 offered by July 1, 2014, and shall be conducted at least
41 annually thereafter. The course and examination shall be
42 developed and offered by a statewide professional association of
43 physicians in this state accredited to provide educational
44 activities designated for an American Medical Association
45 Physician's Recognition Award (AMA PRA) Category 1 Credit. The
46 board shall review and approve the content of the initial course
47 and examination if the board determines that the course and
48 examination adequately and reliably satisfy the criteria set
49 forth in this section. Annually thereafter, the board shall
50 review the course and examination and, if the board determines
51 that the content continues to adequately and reliably satisfy
52 the criteria set forth in this section, approve them. Successful
53 completion of the board-approved course and examination may be
54 used by a certified physician to satisfy 2 hours of continuing
55 education requirements for the biennial period during which the
56 board-approved course and examination are taken. A physician who
57 does not complete a board-approved course and examination under
58 this section may not provide telemedicine services.

59 (6) Venue for a civil or administrative action initiated by
60 the telemedicine recipient, the department, or the appropriate
61 board shall be based on the location of the patient or shall be
62 in Leon County.

63 (7) The boards may adopt rules to administer the

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete lines 7 - 9

68 and insert:



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licensed in this state; providing certain exceptions