

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Select Committee on Health
 2 Care Workforce Innovation
 3 Representative Cummings offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 456.47, Florida Statutes, is created to
 8 read:

9 456.47 Use of Telehealth to Provide Services.—

10 (1) DEFINITIONS.—As used in this section, the term:

11 (a) "Telehealth" means the use of synchronous or
 12 asynchronous telecommunications technology by a telehealth
 13 provider to provide health care services including, but not
 14 limited to, patient assessment, diagnosis, consultation,
 15 treatment, monitoring and transfer of medical data, patient and
 16 professional health-related education, public health and health

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17 administration. The term does not include audio-only telephone
18 calls, e-mail messages, or facsimile transmissions.

19 (b) "Telehealth provider" means any person who provides
20 health care related services using telehealth and who is
21 licensed under ch. 457; ch. 458; ch. 459; ch. 460; ch. 461; ch.
22 463; ch. 464; ch. 465; ch. 466; ch. 467; part I, part III, part
23 IV, part V, part X, part XIII, and part XIV, ch. 468; ch. 478;
24 ch. 480; part III, ch. 483; ch. 484; ch. 486; ch. 490; ch. 491;
25 or who is registered under subsection (4) (a).

26 (2) PRACTICE STANDARD.-

27 (a) The standard of care for telehealth providers
28 providing medical care is the same as the standard of care for
29 health care professionals providing in-person health care
30 services to patients. A telehealth provider is not required to
31 research a patient's medical history or conduct a physical
32 examination of the patient before using telehealth to provide
33 services to the patient if the telehealth provider conducts a
34 patient evaluation sufficient to diagnose and treat the patient.
35 The evaluation may be performed using telehealth.

36 (b) A telehealth provider and a patient may each be in any
37 location when telehealth is used to provide health care services
38 to a patient.

39 (c) A non-physician telehealth provider using telehealth
40 and acting within the relevant scope of practice may not be
41 interpreted as practicing medicine without a license.

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42 (3) RECORDS.-A telehealth provider shall document in the
43 patient's medical record the health care services rendered using
44 telehealth according to the same standard as that used for in-
45 person services. Medical records, including video, audio,
46 electronic, or other records generated as a result of providing
47 such services, are confidential pursuant to ss. 395.3025(4) and
48 456.057.

49 (4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.-

50 (a) A health care professional not licensed in this state
51 may provide health care services to a patient located in this
52 state using telehealth if the telehealth provider annually
53 registers with the applicable board or the department if there
54 is no board.

55 (b) The board, or department if there is no board, shall
56 register a health care professional as a telehealth provider if
57 the health care professional:

58 1. Completes an application form developed by the
59 department;

60 2. Pays a \$75 registration fee; and

61 3. Holds an active, unencumbered license for a profession
62 included in section (1)(b) issued by another state, the District
63 of Columbia, or a possession or territory of the United States,
64 of which no disciplinary action has been taken against in the 5
65 years prior to submission. The department shall use the National
66 Practitioner Data Bank to verify information submitted by the
67 applicant.

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68 (c) A health care professional registered under this
69 section is prohibited from opening an office in this state and
70 from providing in-person health care services to patients
71 located in Florida.

72 (d) A health care professional registered under this
73 section must immediately notify the appropriate board, or the
74 department if there is no board, of restrictions placed on, or
75 disciplinary action taken against, the health care
76 professional's license to practice in any state or jurisdiction.

77 (e) A health care professional, whose license to provide
78 health care services has been revoked in any state or
79 jurisdiction, may not register under this section.

80 (5) EXEMPTIONS.-A health care professional who is not
81 licensed to provide health care services in this state but who
82 holds an active license to provide health care services in
83 another state or jurisdiction, and who provides health care
84 services using telehealth to a patient located in this state, is
85 not subject to the registration requirement of this section if
86 the services are provided:

87 (a) In response to an emergency medical condition as
88 defined in s. 395.002;

89 (b) No more than 10 times per calendar year; or

90 (c) In consultation with a health care professional
91 licensed in this state and that health care professional retains
92 ultimate authority over the diagnosis and care of the patient.

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93 (6) RULEMAKING.-The applicable boards, or the department
94 if there is no board, may adopt rules to administer the
95 requirements of this section.

96 Section 2. This act shall take effect July 1, 2014.

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99 **T I T L E A M E N D M E N T**

100 Remove everything before the enacting clause and insert:

101 An act relating to telehealth; creating s. 456.47, F.S.;

102 defining terms; providing for certain practice standards;

103 providing for the maintenance and confidentiality of medical

104 records; requiring the registration of health care professionals

105 not licensed in this state in order to use telehealth to deliver

106 health care services; providing registration requirements;

107 prohibiting registrants from opening an office or providing in-

108 person health care services in this state; requiring a

109 registrant to notify the appropriate board or the Department of

110 Health of certain actions against his or her professional

111 license; prohibiting a health care professional with a revoked

112 license from being registered as a telehealth provider;

113 providing exemptions to the registration requirement; providing

114 rulemaking authority; providing an effective date.