



576-04088-15

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to telehealth; creating s. 456.4501, F.S.; defining the terms "telehealth" and "telehealth provider"; providing certain practice standards for telehealth providers; authorizing telehealth providers to use telehealth to prescribe controlled substances, with an exception; prohibiting the use of telehealth or specified computer-controlled devices to prescribe optical devices; providing for the maintenance and confidentiality of medical records; amending s. 636.202, F.S.; excluding telehealth products from the definition of "discount medical plan"; providing an effective date.

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

Section 1. Section 456.4501, Florida Statutes, is created to read:

456.4501 Use of telehealth to provide services.-

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

(a) "Telehealth" means the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide health care services, including, but not limited to, patient assessment, diagnosis, consultation, treatment, and monitoring; the transfer of medical data; patient and professional health-related education; public health services; and health care administration. The term does not



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28 include audio-only transmissions, e-mail messages, facsimile  
29 transmissions, or consultations between a telehealth provider in  
30 this state and a provider lawfully licensed in another state  
31 when the provider licensed in this state maintains  
32 responsibility for the care of a patient in this state.

33 (b) "Telehealth provider" means a person who provides  
34 health care and related services using telehealth and who is  
35 licensed under chapter 457; chapter 458; chapter 459; chapter  
36 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter  
37 466; chapter 467; part I, part III, part IV, part V, part X,  
38 part XIII, or part XIV of chapter 468; chapter 478; chapter 480;  
39 parts III and IV of chapter 483; chapter 484; chapter 486;  
40 chapter 490; or chapter 491, or who is certified under part III  
41 of chapter 401 or s. 393.17.

42 (2) PRACTICE STANDARDS.—

43 (a) The standard of care for a telehealth provider  
44 providing medical care to a patient is the same as the standard  
45 of care generally accepted for a health care professional  
46 providing in-person health care services to a patient. If a  
47 telehealth provider conducts a patient evaluation sufficient to  
48 diagnose and treat the patient, the telehealth provider is not  
49 required to research the patient's medical history or conduct a  
50 physical examination of the patient before using telehealth to  
51 provide services to the patient. A telehealth provider may use  
52 telehealth to perform a patient evaluation.

53 (b) A telehealth provider and a patient may be in separate  
54 locations when telehealth is used to provide health care  
55 services to the patient.

56 (c) A nonphysician telehealth provider using telehealth and



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57 acting within the relevant scope of practice is not deemed to be  
58 practicing medicine without a license under any provision of law  
59 listed in paragraph (1)(b).

60 (d) A telehealth provider who is otherwise authorized to  
61 prescribe a controlled substance named or described in Schedules  
62 I through V of s. 893.03 may use telehealth to prescribe the  
63 controlled substance, except that telehealth may not be used to  
64 prescribe a controlled substance to treat chronic nonmalignant  
65 pain as defined in ss. 458.3265 and 459.0137. This paragraph  
66 does not preclude a practitioner licensed under chapter 458 or  
67 chapter 459 or an advanced registered nurse practitioner  
68 certified under s. 464.012 from using telehealth to order a  
69 controlled substance for an inpatient admitted to a facility  
70 licensed under chapter 395 or a hospice patient under chapter  
71 400.

72 (e) A telehealth provider may not use telehealth to  
73 prescribe lenses, spectacles, eyeglasses, contact lenses, or  
74 other optical devices or prescribe based solely on the  
75 refractive error of the human eye generated by a computer-  
76 controlled device such as an autorefractor.

77 (3) RECORDS.—A telehealth provider shall document in the  
78 patient's medical record the health care services rendered using  
79 telehealth according to the same standard used for in-person  
80 health care services pursuant to ss. 395.3025(4) and 456.057.

81 Section 2. Subsection (1) of section 636.202, Florida  
82 Statutes, is amended to read:

83 636.202 Definitions.—As used in this part, the term:

84 (1) "Discount medical plan" means a business arrangement or  
85 contract in which a person, in exchange for fees, dues, charges,



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86 or other consideration, provides access for plan members to  
87 providers of medical services and the right to receive medical  
88 services from those providers at a discount. The term "discount  
89 medical plan" does not include any product regulated under  
90 chapter 627, chapter 641, or part I of this chapter or any  
91 telehealth product regulated under s. 456.4501.

92 Section 3. This act shall take effect July 1, 2015.