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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2015	.	
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	.	
	.	

The Committee on Health Policy (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 provider to provide health care services, including, but not
12 limited to, patient assessment, diagnosis, consultation,
13 treatment, and monitoring; the transfer of medical data; patient
14 and professional health-related education; public health
15 services; and health care administration. The term does not
16 include audio-only transmissions, e-mail messages, facsimile
17 transmissions, or consultations between a telehealth provider in
18 this state and a provider lawfully licensed in another state
19 when the provider licensed in this state maintains
20 responsibility for the care of a patient in this state.

21 (b) "Telehealth provider" means any person who provides
22 health care and related services using telehealth and who is
23 licensed under chapter 457; chapter 458; chapter 459; chapter
24 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter
25 466; chapter 467; part I, part III, part IV, part V, part X,
26 part XIII, or part XIV of chapter 468; chapter 478; chapter 480;
27 parts III and IV of chapter 483; chapter 484; chapter 486;
28 chapter 490; or chapter 491, or who is certified under part III
29 of chapter 401.

30 (2) PRACTICE STANDARDS.—

31 (a) The standard of care for a telehealth provider
32 providing medical care to a patient is the same as the standard
33 of care generally accepted for a health care professional
34 providing in-person health care services to a patient. If a
35 telehealth provider conducts a patient evaluation sufficient to
36 diagnose and treat the patient, the telehealth provider is not
37 required to research the patient's medical history or conduct a
38 physical examination of the patient before using telehealth to
39 provide services to the patient. A telehealth provider may use



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40 telehealth to perform a patient evaluation.

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

44 (c) A nonphysician telehealth provider using telehealth and
45 acting within the relevant scope of practice is not deemed to be
46 practicing medicine without a license under any provision of law
47 listed in paragraph (1)(b).

48 (d) A telehealth provider who is otherwise authorized to
49 prescribe a controlled substance named or described in Schedules
50 I through V of s. 893.03 may use telehealth to prescribe the
51 controlled substance, except that telehealth may not be used to
52 prescribe a controlled substance to treat chronic nonmalignant
53 pain as defined in s. 458.3265. This paragraph does not preclude
54 a physician from using telehealth to order a controlled
55 substance for an inpatient admitted to a facility licensed under
56 chapter 395 or a hospice patient under chapter 400.

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

61 Section 2. This act shall take effect July 1, 2015.

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63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete everything before the enacting clause
67 and insert:

68 A bill to be entitled



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69 An act relating to telehealth; creating s. 456.4501,
70 F.S.; defining the terms "telehealth" and "telehealth
71 provider"; providing for certain practice standards
72 for telehealth providers; authorizing telehealth
73 providers to use telehealth for prescribing controlled
74 substances, with an exception; providing for the
75 maintenance and confidentiality of medical records;
76 providing an effective date.