

1                                   A bill to be entitled  
 2           An act relating to telehealth; creating s. 465.47,  
 3           F.S.; defining the terms "telehealth" and "telehealth  
 4           provider"; providing for certain practice standards  
 5           for telehealth providers; authorizing telehealth  
 6           providers to use telehealth for prescribing controlled  
 7           substances, with an exception; providing for the  
 8           maintenance and confidentiality of medical records;  
 9           providing an effective date.

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

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13           Section 1. Section 465.47, Florida Statutes, is created to  
 14 read:

15           465.47 Use of telehealth to provide services.-

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

17           (a) "Telehealth" means the use of synchronous or  
 18 asynchronous telecommunications technology by a telehealth  
 19 provider to provide health care services, including, but not  
 20 limited to, patient assessment, diagnosis, consultation,  
 21 treatment, and monitoring; the transfer of medical data; patient  
 22 and professional health-related education; public health  
 23 services; and health care administration. The term does not  
 24 include audio-only telephone calls, e-mail messages, facsimile  
 25 transmissions, or consultations between a telehealth provider in  
 26 this state and a provider lawfully licensed in another state

27 when the provider licensed in this state maintains  
 28 responsibility for the care of a patient in this state.

29 (b) "Telehealth provider" means any person who provides  
 30 health care and related services using telehealth and who is  
 31 licensed under chapter 457; chapter 458; chapter 459; chapter  
 32 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter  
 33 466; chapter 467; part I, part III, part IV, part V, part X,  
 34 part XIII, or part XIV of chapter 468; chapter 478; chapter 480;  
 35 parts III and IV of chapter 483; chapter 484; chapter 486;  
 36 chapter 490; or chapter 491, or who is certified under part III  
 37 of chapter 401.

38 (2) PRACTICE STANDARDS.—

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

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

52 (c) A nonphysician telehealth provider using telehealth

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

56 (d) A telehealth provider who is otherwise authorized to  
57 prescribe a controlled substance named or described in Schedules  
58 I through IV of s. 893.03 may use telehealth to prescribe the  
59 controlled substance, except that telehealth may not be used to  
60 prescribe a controlled substance to treat chronic nonmalignant  
61 pain as defined in s. 458.3265. This paragraph does not preclude  
62 a physician from using telehealth to order a controlled  
63 substance for an inpatient admitted to a facility licensed under  
64 chapter 395.

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

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