

1 A bill to be entitled
 2 An act relating to telehealth; creating s. 456.47,
 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 to prescribe certain
 7 controlled substances; providing recordkeeping
 8 requirements and standards; amending s. 636.202, F.S.;
 9 excluding telehealth products from the definition of
 10 "discount medical plan"; providing an effective date.

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

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 14 Section 1. Section 456.47, Florida Statutes, is created to
 15 read:

16 456.47 Use of telehealth to provide services.-
 17 (1) DEFINITIONS.-As used in this section, the term:
 18 (a) "Telehealth" means the use of synchronous or
 19 asynchronous telecommunications technology by a telehealth
 20 provider to provide health care services, including, but not
 21 limited to, patient assessment, diagnosis, treatment, and
 22 monitoring; the transfer of medical data; patient and
 23 professional health-related education; public health services;
 24 and health care administration. The term does not include audio-
 25 only telephone calls, e-mail messages, facsimile transmissions,
 26 or consultations.

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

36 (2) PRACTICE STANDARDS.—

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

48 (b) A telehealth provider and a patient may each be in any
49 location when telehealth is used to provide health care services
50 to the patient.

51 (c) A nonphysician telehealth provider using telehealth
52 and acting within the applicable scope of practice is not deemed

53 to be practicing medicine without a license.

54 (d) A telehealth provider who is otherwise authorized to
55 prescribe a controlled substance listed in Schedules II through
56 V of s. 893.03 may use telehealth to prescribe the controlled
57 substance. Telehealth may not be used to prescribe a controlled
58 substance to treat chronic nonmalignant pain as defined in ss.
59 458.3265 and 459.0137, except as ordered by a physician for an
60 inpatient admitted to a facility licensed under chapter 395.

61 (3) RECORDS.—A telehealth provider shall document in the
62 patient's medical record the health care services rendered using
63 telehealth according to the same standard used for in-person
64 health care services consistent with ss. 395.3025(4) and
65 456.057.

66 Section 2. Subsection (1) of section 636.003, Florida
67 Statutes, is amended to read:

68 636.202 Definitions.—As used in this part, the term:

69 (1) "Discount medical plan" means a business arrangement
70 or contract in which a person, in exchange for fees, dues,
71 charges, or other consideration, provides access for plan
72 members to providers of medical services and the right to
73 receive medical services from those providers at a discount. The
74 term "discount medical plan" does not include any product
75 regulated under chapter 627, chapter 641, or part I of this
76 chapter or any telehealth product regulated under s. 456.47.

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