

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Sprowls offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 85-161 and insert:

7 state using telehealth if the telehealth provider registers with
8 the applicable board, or the department if there is no board,
9 and provides health care services within the relevant scope of
10 practice established by Florida law or rule.

11 (b) The board, or the department if there is no board,
12 shall register a health care professional not licensed in this
13 state as a telehealth provider if the health care professional:

14 1. Completes an application in the format prescribed by
15 the department;

16 2. Pays a \$150 registration fee; and

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17 3. Holds an active, unencumbered license for a profession
18 listed in paragraph (1)(b) which is issued by another state, the
19 District of Columbia, or a possession or territory of the United
20 States and against whom no disciplinary action has been taken
21 during the 5 years before submission of the application. The
22 department shall use the National Practitioner Data Bank to
23 verify information submitted by an applicant.

24 (c) A telehealth provider registered pursuant to paragraph
25 (b) must, as a condition of biennial registration renewal,
26 complete a renewal application and pay a renewal registration
27 fee of \$150.

28 (d) A health care professional may not register under this
29 subsection if his or her license to provide health care services
30 is subject to a pending disciplinary investigation or action, or
31 has been revoked in any state or jurisdiction. A health care
32 professional registered under this section must notify the
33 appropriate board, or the department if there is no board, of
34 restrictions placed on the health care professional's license to
35 practice, or disciplinary action taken or pending against the
36 health care professional, in any state or jurisdiction. The
37 notification must be provided within 5 business days after the
38 restriction has been placed or disciplinary action is initiated
39 or has been taken.

40 (e) A health care professional registered under this
41 subsection may not open an office in this state and may not

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42 provide in-person health care services to patients located in
43 this state.

44 (f) A pharmacist registered under this subsection may only
45 use a pharmacy permitted under chapter 465, a nonresident
46 pharmacy registered under s. 465.0156, or a nonresident pharmacy
47 or outsourcing facility holding an active permit pursuant to s.
48 465.0158, to dispense medicinal drugs to patients located in
49 this state.

50 (g) The department shall publish on its website a list of
51 all registrants and include, to the extent applicable, each
52 registrant's:

- 53 1. Name.
- 54 2. Health care occupation.
- 55 3. Completed health care training and education, including
56 completion dates and any certificates or degrees obtained.
- 57 4. Out-of-state health care license with license number.
- 58 5. Florida telehealth provider registration number.
- 59 6. Specialty.
- 60 7. Board certification.
- 61 8. Five-year disciplinary history, including sanctions and
62 board actions.
- 63 9. Medical malpractice insurance provider and policy
64 limits, including whether the policy covers claims which arise
65 in this state.

66 (h) The board, or the department if there is no board, may
67 revoke an out-of-state telehealth provider's registration if the

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68 registrant:

69 1. Fails to notify the appropriate board, or the
70 department, of any adverse actions taken against his or her
71 license as required under paragraph (d).

72 2. Has restrictions placed on or disciplinary action taken
73 against his or her license in any state or jurisdiction.

74 3. Violates any of the requirements of this section.

75 (5) VENUE.—For the purposes of this section, any act that
76 constitutes the delivery of health care services is deemed to
77 occur at the place where the patient is located at the time the
78 act is performed.

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

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

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

91 (7) RULEMAKING.—The applicable board, or the department if
92 there is no board, may adopt rules to administer this section.

93 Section 2. Subsection (1) of section 636.202, Florida

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94 Statutes, is amended to read:

95 636.202 Definitions.—As used in this part, the term:

96 (1) "Discount medical plan" means a business arrangement or
97 contract in which a person, in exchange for fees, dues, charges,
98 or other consideration, provides access for plan members to
99 providers of medical services and the right to receive medical
100 services from those providers at a discount. The term "discount
101 medical plan" does not include any product regulated under
102 chapter 627, chapter 641, or part I of this chapter, or any
103 product used for the delivery of services through telehealth as
104 defined under s. 456.47, F.S.

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

109 Remove lines 11-15 and insert:

110 authorizing a board, or the department if there is no board, to
111 revoke a telehealth provider's registration under certain
112 circumstances; providing venue; providing exemptions to the
113 registration requirement; providing rulemaking authority;
114 amending s. 636.202, F.S.; excluding certain products from the
115 definition of "discount medical plan"; requiring the Agency for
116 Health Care