



856092

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
	.	
	.	
	.	

---

The Committee on Banking and Insurance (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) "Information and telecommunications technologies" means  
those secure electronic applications used by health care



856092

11 practitioners and health care providers to provide health care  
12 services, evaluate health care information or data, provide  
13 remote patient monitoring, or promote healthy behavior through  
14 interactions that include, but are not limited to, live video  
15 interactions, text messages, or store and forward transmissions.

16 (b) "Store and forward" means the type of telehealth  
17 encounter which uses still images of patient data for rendering  
18 a medical opinion or patient diagnosis. The term includes the  
19 asynchronous transmission of clinical data from one site to  
20 another site.

21 (c) "Synchronous" means live or two-way interactions using  
22 a telecommunications system between a provider and a person who  
23 is a patient, caregiver, or provider.

24 (d) "Telecommunications system" means the transfer of  
25 health care data through advanced information technology using  
26 compressed digital interactive video, audio, or other data  
27 transmission; clinical data transmission using computer image  
28 capture; and other technology that facilitates access to health  
29 care services or medical specialty expertise.

30 (e) "Telehealth" means the mode of providing health care  
31 services and public health services by a Florida licensed  
32 practitioner, within the scope of his or her practice, through  
33 synchronous and asynchronous information and telecommunications  
34 technologies where the practitioner is located at a site other  
35 than the site where the recipient, whether a patient or another  
36 licensed practitioner, is located.

37 (f) "Telehealth provider" means a person who provides  
38 health care services and related services through telehealth and  
39 who is licensed under chapter 457; chapter 458; chapter 459;



856092

40 chapter 460; chapter 461; chapter 462; chapter 463; chapter 464;  
41 chapter 465; chapter 466; chapter 467; part I, part III, part  
42 IV, part V, part X, part XIII, or part XIV of chapter 468;  
43 chapter 478; chapter 480; parts III and IV of chapter 483;  
44 chapter 484; chapter 486; chapter 490; or chapter 491; or who is  
45 certified under s. 393.17 or part III of chapter 401.

46 (2) PRACTICE STANDARDS.—

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

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

60 (c) A nonphysician telehealth provider using telehealth and  
61 acting within his or her relevant scope of practice is not  
62 deemed to be practicing medicine without a license under any  
63 provision of law listed in paragraph (1) (f).

64 (d) A telehealth provider who is authorized to prescribe a  
65 controlled substance named or described in Schedules I through V  
66 of s. 893.03 may use telehealth to prescribe a controlled  
67 substance, except that telehealth may not be used to prescribe a  
68 controlled substance to treat chronic nonmalignant pain as



856092

69 defined in s. 458.3265(1)(a) or to issue a physician  
70 certification for marijuana pursuant to s. 381.986. This  
71 paragraph does not prohibit a physician from using telehealth to  
72 order a controlled substance for an inpatient admitted to a  
73 facility licensed under chapter 395 or a patient of a hospice  
74 licensed under chapter 400.

75 (e) By January 1, 2019, the department, in coordination  
76 with the applicable boards, shall develop and disseminate  
77 educational materials for the licensees listed in paragraph  
78 (1)(f) on the use of telehealth modalities to treat patients.

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

83 (4) CONSENT.—Patients are not required to provide specific  
84 authorization for treatment through telehealth, but must  
85 authorize treatment that meets the requirements of the  
86 applicable practice acts and s. 766.103, and must be allowed to  
87 withhold consent for any specific procedure or treatment through  
88 telehealth.

89 Section 2. This act shall take effect July 1, 2018.

90  
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete everything before the enacting clause  
94 and insert:

95 A bill to be entitled  
96 An act relating to telehealth; creating s. 456.4501,  
97 F.S.; defining terms; establishing the standard of



856092

98 care for telehealth providers; authorizing telehealth  
99 providers to use telehealth to perform patient  
100 evaluations; providing that telehealth providers,  
101 under certain circumstances, are not required to  
102 research a patient's history or conduct physical  
103 examinations before providing services through  
104 telehealth; providing that a nonphysician telehealth  
105 provider using telehealth and acting within her or her  
106 relevant scope of practice is not deemed to be  
107 practicing medicine without a license; authorizing  
108 certain telehealth providers to use telehealth to  
109 prescribe specified controlled substances; providing  
110 for construction; requiring the Department of Health  
111 to develop and disseminate certain educational  
112 materials to specified licensees by a specified date;  
113 providing recordkeeping requirements for telehealth  
114 providers; providing requirements for patient consent  
115 for telehealth treatment; providing an effective date.