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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
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The Committee on Communications, Energy, and Public Utilities (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 99 - 246
and insert:

(12) "Telemedicine provider" means a physician or physician assistant licensed under chapter 458 or chapter 459, an advanced registered nurse practitioner licensed under chapter 464, or a pharmacist licensed under chapter 465 who provides telemedicine services.

Section 3. Section 456.4503, Florida Statutes, is created



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11 to read:

12 456.4503 Telemedicine requirements.-

13 (1) An out-of-state physician, physician assistant,
14 advanced registered nurse practitioner, or pharmacist who
15 provides telemedicine across state lines to a patient physically
16 located in this state must have a Florida license to practice as
17 provided under chapter 458, chapter 459, chapter 464, or chapter
18 465.

19 (2) An out-of-state physician, physician assistant,
20 advanced registered nurse practitioner, or pharmacist is exempt
21 from subsection (1) if:

22 (a) The out-of-state physician, physician assistant,
23 advanced registered nurse practitioner, or pharmacist is
24 consulting with a telemedicine provider licensed to practice in
25 this state; and

26 (b) The telemedicine provider licensed in this state
27 retains ultimate authority and responsibility for the diagnosis,
28 treatment, and care of the patient located within this state.

29 (3) Consultations that occur on an emergency basis and that
30 are conducted via telemedicine are exempt from subsection (1).
31 The terms "emergency services and care" and "emergency medical
32 condition" have the same meanings as provided in s. 395.002.

33 (4) A health care provider or patient presenter acting
34 under the direction and supervision of a telemedicine provider
35 through the use of telemedicine may not be interpreted as
36 practicing without a license. However, the health care provider
37 must be trained in, educated on, and knowledgeable about the
38 procedure and technology and may not perform duties for which he
39 or she does not have sufficient training, education, and



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40 knowledge. Failure to have adequate training, education, and
41 knowledge is grounds for disciplinary action by the appropriate
42 board, or the department if there is no board, or the affiliated
43 regulatory entity for affiliated providers.

44 (5) Upon license renewal, a physician, physician assistant,
45 advanced registered nurse practitioner, or pharmacist practicing
46 telemedicine shall:

47 (a) Designate himself or herself as a telemedicine provider
48 on the practitioner profile; and

49 (b) Submit proof of successful completion of a course and
50 subsequent examination, approved by the board, on the standards
51 of practice in telemedicine. The course must consist of 2 web-
52 based contact hours. The first course and examination must be
53 offered by July 1, 2014, and shall be conducted at least
54 annually thereafter. The course and examination shall be
55 developed and offered by a statewide professional association
56 accredited to provide educational activities as designated by
57 the board. The board shall review and approve the content of the
58 initial course and examination if the board determines that the
59 course and examination adequately and reliably satisfy the
60 criteria set forth in this section. Annually thereafter, the
61 board shall review the course and examination and, if the board
62 determines that the content continues to adequately and reliably
63 satisfy the criteria set forth in this section, approve them.

64 Successful completion of the board-approved course and
65 examination may be used to satisfy 2 hours of continuing
66 education requirements for the biennial period during which the
67 board-approved course and examination are taken. A physician,
68 physician assistant, advanced registered nurse practitioner, or



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69 pharmacist who does not complete a board-approved course and
70 examination under this section may not provide telemedicine
71 services.

72 (6) Venue for a civil or administrative action initiated by
73 the telemedicine recipient, the department, or the appropriate
74 board shall be based on the location of the patient or shall be
75 in Leon County.

76 (7) The boards may adopt rules to administer the
77 requirements of this act and must repeal rules that are
78 inconsistent with this act, including rules that prohibit the
79 use of telemedicine in this state. The appropriate board may
80 also develop standards and adopt rules relating to requirements
81 for patient presenters. Such rules may not require the use of
82 patient presenters in telemedicine services if special skills or
83 training is not needed for a patient to participate in the
84 encounter.

85 Section 4. Section 456.4504, Florida Statutes, is created
86 to read:

87 456.4504 Telemedicine standards.-

88 (1) The standard of care as provided in s. 766.102 is the
89 same regardless of whether the physician, physician assistant,
90 advanced registered nurse practitioner, or pharmacist provides
91 health care services in person or by telemedicine. The
92 applicable board may adopt rules specifically related to the
93 standard of care for telemedicine.

94 (2) A telemedicine provider providing telemedicine services
95 under this act is responsible for the quality of the equipment
96 and technology employed and for its safe use. Telemedicine
97 equipment and advanced communications technology must, at a



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98 minimum, be able to provide the same information to the
99 telemedicine provider as the information that would be obtained
100 in an in-person encounter with a health care provider and must
101 enable the telemedicine provider to meet or exceed the
102 prevailing standard of care for the practice of the profession.

103 (3) The telemedicine provider is not required to conduct a
104 patient history or physical examination of the patient before
105 engaging in a telemedicine encounter if the telemedicine
106 provider conducts a patient evaluation sufficient to meet the
107 prevailing standard of care for the services provided.

108 (4) Before each telemedicine encounter, the identification
109 and location of the telemedicine provider and all other
110 individuals present via advanced communications technology who
111 will view the patient or the patient's information must be
112 identified to the patient.

113 (5) For the purposes of this act, the nonemergency
114 prescribing of a legend drug based solely on an electronic
115 questionnaire without a visual examination is considered a
116 failure to practice with the level of care, skill, and treatment
117 which is recognized by a reasonably prudent physician, physician
118 assistant, advanced registered nurse practitioner, or pharmacist
119 and is not authorized under this act.

120
121 ===== T I T L E A M E N D M E N T =====

122 And the title is amended as follows:

123 Delete lines 5 - 12

124 and insert:

125 s. 456.4503, F.S.; requiring specified practitioners
126 providing telemedicine services to patients in this



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127 state to be licensed in this state; requiring
128 pertinent records to be made available upon request;
129 providing certain exceptions for emergency services
130 and consultations; requiring other health care
131 providers to be supervised by a telemedicine provider;
132 providing continuing education requirements