HB 751

2014

1	A bill to be entitled							
2	An act relating to telemedicine services; creating s.							
3	456.47, F.S.; defining terms; providing for							
4	maintenance of health records and standards of care;							
5	providing for use of telemedicine services from any							
6	location under certain conditions; providing standards							
7	for a telemedicine provider to document services in a							
8	patient's medical record; providing that a							
9	telemedicine provider using telemedicine technology is							
10	not practicing medicine without a license under							
11	certain circumstances; providing an effective date.							
12								
13	Be It Enacted by the Legislature of the State of Florida:							
14								
15	Section 1. Section 456.47, Florida Statutes, is created to							
16	read:							
17	456.47 Telemedicine services							
18	(1) As used in this section, the term:							
19	(a) "Telemedicine" means the use of synchronous or							
20	asynchronous telecommunications technology by a telemedicine							
21	provider to provide health care services. The term does not							
22	include audio-only telephone calls, e-mail messages, or							
23	facsimile transmissions.							
24	(b) "Telemedicine provider" means a health care							
25	practitioner as defined in s. 456.001, or a health care provider							
26	as defined in s. 408.07, who is licensed in this state or any							
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27	other United States jurisdiction and provides telemedicine						
28	services.						
29	(c) "Telemedicine service" means a health care service						
30	provided by a telemedicine provider using telemedicine,						
31	including, but not limited to, a patient assessment, diagnosis,						
32	consultation, treatment, or the monitoring and transfer of						
33	medical data.						
34	(2) The standard of care for telemedicine providers is the						
35	same as the standard of care for health care practitioners or						
36	health care providers providing face-to-face health care						
37	services to patients. A telemedicine provider is not required to						
38	research a patient's medical history or conduct a physical						
39	examination of the patient before providing telemedicine						
40	services to the patient if the telemedicine provider conducts a						
41	patient evaluation sufficient to diagnose and treat the patient.						
42	The evaluation may be performed using telemedicine.						
43	(3) A patient receiving telemedicine services may be in						
44	any location at the time that the telemedicine services are						
45	rendered. A telemedicine provider may be in any location when						
46	providing telemedicine services to a patient.						
47	(4) A telemedicine provider shall document the						
48	telemedicine services rendered in the patient's medical records						
49	according to the same standard as that required for non-						
50	telemedicine services. Medical records, including video, audio,						
51	electronic, or other records generated as a result of providing						
52	telemedicine services, are confidential in accordance with ss.						
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53	395.3025(4) and 456.057.
54	(5) A non-physician telemedicine provider using
55	telemedicine and acting within the relevant scope of practice
56	may not be interpreted as practicing medicine without a license.
57	Section 2. This act shall take effect July 1, 2014.

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