

By the Committee on Health Policy; and Senators Bean and Joyner

588-01661-15

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A bill to be entitled
An act relating to telehealth; creating s. 456.4501,
F.S.; defining the terms "telehealth" and "telehealth
provider"; providing certain practice standards for
telehealth providers; authorizing telehealth providers
to use telehealth to prescribe controlled substances,
with an exception; prohibiting the use of telehealth
or specified computer-controlled devices to prescribe
optical devices; providing for the maintenance and
confidentiality of medical records; providing an
effective date.

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

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) "Telehealth" means the use of synchronous or
asynchronous telecommunications technology by a telehealth
provider to provide health care services, including, but not
limited to, patient assessment, diagnosis, consultation,
treatment, and monitoring; the transfer of medical data; patient
and professional health-related education; public health
services; and health care administration. The term does not
include audio-only transmissions, e-mail messages, facsimile
transmissions, or consultations between a telehealth provider in
this state and a provider lawfully licensed in another state
when the provider licensed in this state maintains

588-01661-15

2015478c1

responsibility for the care of a patient in this state.

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

(2) PRACTICE STANDARDS.—

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

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

(c) A nonphysician telehealth provider using telehealth and acting within the relevant scope of practice is not deemed to be practicing medicine without a license under any provision of law listed in paragraph (1)(b).

(d) A telehealth provider who is otherwise authorized to

588-01661-15

2015478c1

59 prescribe a controlled substance named or described in Schedules
60 I through V of s. 893.03 may use telehealth to prescribe the
61 controlled substance, except that telehealth may not be used to
62 prescribe a controlled substance to treat chronic nonmalignant
63 pain as defined in s. 458.3265. This paragraph does not preclude
64 a physician from using telehealth to order a controlled
65 substance for an inpatient admitted to a facility licensed under
66 chapter 395 or a hospice patient under chapter 400.

67 (e) A telehealth provider may not use telehealth to
68 prescribe lenses, spectacles, eyeglasses, contact lenses, or
69 other optical devices or prescribe based solely on the
70 refractive error of the human eye generated by a computer-
71 controlled device such as an autorefractor.

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

76 Section 2. This act shall take effect July 1, 2015.