

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WITHDRAWN	_____	(Y/N)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 Quality
2 Subcommittee
3 Representative Cummings offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 456.47, Florida Statutes, is created to
8 read:

9 456.47 Use of telehealth to provide services.-

10 (1) DEFINITIONS.-As used in this section, the term:

11 (a) "Telehealth" means the use of synchronous or
12 asynchronous telecommunications technology by a telehealth
13 provider to provide health care services, including, but not
14 limited to, patient assessment, diagnosis, treatment and
15 monitoring; the transfer of medical data; patient and
16 professional health-related education; public health services;
17 and health care administration. The term does not include audio-

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18 only telephone calls, e-mail messages, facsimile transmissions,
19 or consultations.

20 (b) "Telehealth provider" means any person who provides
21 health care and related services using telehealth and who is
22 licensed under chapter 457; chapter 458; chapter 459; chapter
23 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter
24 466; chapter 467; part I, part III, part IV, part V, part X,
25 part XIII, or part XIV of chapter 468; chapter 478; chapter 480;
26 parts III and IV of chapter 483; chapter 484; chapter 486;
27 chapter 490; or chapter 491, or who is certified under part III
28 of chapter 401.

29 (2) PRACTICE STANDARDS.—

30 (a) The standard of care for a telehealth provider using
31 telehealth to provide health care services to a patient is the
32 same as the standard of care for a health care professional
33 providing in-person health care services to a patient. A
34 telehealth provider, who conducts a patient evaluation in a
35 manner consistent with the applicable standard of care
36 sufficient to diagnose and treat the patient, is not required to
37 research the patient's medical history or conduct a physical
38 examination of the patient before using telehealth to provide
39 services to the patient. A telehealth provider may use
40 telehealth to perform a patient evaluation.

41 (b) A telehealth provider and a patient may each be in any
42 location when telehealth is used to provide health care services
43 to the patient.

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44 (c) A nonphysician telehealth provider using telehealth
45 and acting within the applicable scope of practice is not deemed
46 to be practicing medicine without a license.

47 (d) A telehealth provider who is otherwise authorized to
48 prescribe a controlled substance listed in Schedules II through
49 V of s. 893.03 may use telehealth to prescribe the controlled
50 substance. Telehealth may not be used to prescribe a controlled
51 substance to treat chronic nonmalignant pain as defined in s.
52 458.3265 and s. 459.0137, except as ordered by a physician for
53 an inpatient admitted to a facility licensed under chapter 395.

54 (3) RECORDS.—A telehealth provider shall document in the
55 patient's medical record the health care services rendered using
56 telehealth according to the same standard used for in-person
57 health care services consistent with ss. 395.3025(4) and
58 456.057.

59 Section 2. Subsection (1) of section 636.003, Florida
60 Statutes, is amended to read:

61 636.202 Definitions.— As used in this part, the term:

62 (1) "Discount medical plan" means a business arrangement
63 or contract in which a person, in exchange for fees, dues,
64 charges, or other consideration, provides access for plan
65 members to providers of medical services and the right to
66 receive medical services from those providers at a discount. The
67 term "discount medical plan" does not include any product
68 regulated under chapter 627, chapter 641, ~~or~~ part I of this
69 chapter, or any telehealth product regulated under s. 456.47.

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70 Section 3. This act shall take effect July 1, 2015.

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

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Remove everything before the enacting clause and insert:

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An act relating to telehealth; creating s. 456.47, F.S.;

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defining the terms "telehealth" and "telehealth provider";

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providing for certain practice standards for telehealth

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providers; authorizing telehealth providers to use telehealth to

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prescribe certain controlled substances; providing recordkeeping

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requirements and standards; amending s. 636.202, F.S.; excluding

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telehealth products from the definition of "discount medical

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plan"; providing an effective date.