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LEGISLATIVE ACTION

Senate

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House

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



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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;



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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



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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.

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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



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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.