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

28
29 Section 1. Section 456.47, Florida Statutes, is created to
30 read:

31 456.47 Use of telehealth to provide services.-

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

33 (a) "Telehealth" means the use of synchronous or
34 asynchronous telecommunications technology by a telehealth
35 provider to provide health care services, including, but not
36 limited to, patient assessment, diagnosis, consultation,
37 treatment, and monitoring; transfer of medical data; patient and
38 professional health-related education; public health services;
39 and health administration. The term does not include audio-only
40 telephone calls, e-mail messages, or facsimile transmissions.

41 (b) "Telehealth provider" means any individual who
42 provides health care and related services using telehealth and
43 who is licensed under s. 393.17; part III of chapter 401;
44 chapter 457; chapter 458; chapter 459; chapter 460; chapter 461;
45 chapter 463; chapter 464; chapter 465; chapter 466; chapter 467;
46 part I, part III, part IV, part V, part X, part XIII, or part
47 XIV of chapter 468; chapter 478; chapter 480; part III of
48 chapter 483; chapter 484; chapter 486; chapter 490; or chapter
49 491; or who is registered under and in compliance with
50 subsection (4).

51 (2) PRACTICE STANDARD.-

52 (a) The standard of care for telehealth providers
 53 providing health care services is the same as the standard of
 54 care for health care professionals providing in-person health
 55 care services to patients in this state. A telehealth provider
 56 is not required to research a patient's medical history or
 57 conduct a physical examination of the patient before using
 58 telehealth to provide services to the patient if the telehealth
 59 provider conducts a patient evaluation sufficient to diagnose
 60 and treat the patient. The evaluation may be performed using
 61 telehealth.

62 (b) A telehealth provider may not use telehealth to
 63 prescribe a controlled substance to treat chronic nonmalignant
 64 pain, as defined under s. 456.44, unless the controlled
 65 substance is ordered for inpatient treatment at a hospital
 66 licensed under chapter 395, is prescribed for a patient
 67 receiving hospice services as defined under s. 400.601, or is
 68 prescribed for a resident of a nursing home facility as defined
 69 under s. 400.021(12).

70 (c) A telehealth provider and a patient may each be in any
 71 location when telehealth is used to provide health care services
 72 to a patient.

73 (d) A nonphysician telehealth provider using telehealth
 74 and acting within the relevant scope of practice, as established
 75 by Florida law and rule, is not a violation of s. 458.327(1)(a)
 76 or s. 459.013(1)(a).

77 (3) RECORDS.—A telehealth provider shall document in the
 78 patient's medical record the health care services rendered using
 79 telehealth according to the same standard as used for in-person
 80 services. Medical records, including video, audio, electronic,
 81 or other records generated as a result of providing such
 82 services, are confidential pursuant to ss. 395.3025(4) and
 83 456.057.

84 (4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.—

85 (a) A health care professional not licensed in this state
 86 may provide health care services to a patient located in this
 87 state using telehealth if the telehealth provider annually
 88 registers with the applicable board, or the department if there
 89 is no board, and provides health care services within the
 90 relevant scope of practice established by Florida law or rule.

91 (b) The board, or the department if there is no board,
 92 shall register a health care professional as a telehealth
 93 provider if the health care professional:

94 1. Completes an application form developed by the
 95 department;

96 2. Pays a \$150 registration fee; and

97 3. Holds an active, unencumbered license for a profession
 98 included in paragraph (1) (b) issued by another state, the
 99 District of Columbia, or a possession or territory of the United
 100 States and against whom no disciplinary action has been taken
 101 during the 5 years before submission of the application. The

102 department shall use the National Practitioner Data Bank to
 103 verify information submitted by an applicant.

104 (c) A health care professional may not register under this
 105 section if his or her license to provide health care services is
 106 subject to a pending disciplinary investigation or action, or
 107 has been revoked in any state or jurisdiction. A health care
 108 professional registered under this section must immediately
 109 notify the appropriate board, or the department if there is no
 110 board, of restrictions placed on the health care professional's
 111 license to practice, or disciplinary action taken or pending
 112 against the health care professional, in any state or
 113 jurisdiction.

114 (d) A health care professional registered under this
 115 section may not open an office in this state and may not provide
 116 in-person health care services to patients located in this
 117 state.

118 (e) A pharmacist registered under this section may only
 119 use a pharmacy permitted under chapter 465, or a nonresident
 120 pharmacy registered under s. 465.0156, to dispense medicinal
 121 drugs to patients located in this state.

122 (f) The department shall publish on its website a list of
 123 all registrants and include, to the extent applicable, each
 124 registrant's:

- 125 1. Name.
- 126 2. Health care occupation.
- 127 3. Completed health care training and education, including

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128 completion dates and any certificates or degrees obtained.
 129 4. Out-of-state health care license with license number.
 130 5. Florida telehealth provider registration number.
 131 6. Specialty.
 132 7. Board certification.
 133 8. 5 year disciplinary history, including sanctions and
 134 board actions.
 135 9. Medical malpractice insurance provider and policy
 136 limits, including whether the policy covers claims which arise
 137 in this state.
 138 (g) The department may revoke a telehealth provider's
 139 registration if the registrant:
 140 1. Fails to immediately notify the department of any
 141 adverse actions taken against his or her license as required
 142 under paragraph (c).
 143 2. Has restrictions placed on or disciplinary action taken
 144 against his or her license in any state or jurisdiction.
 145 3. Violates any of the requirements of this section.
 146 (5) VENUE.-For the purposes of this section, any act that
 147 constitutes the delivery of health care services shall be deemed
 148 to occur at the place where the patient is located at the time
 149 the act is performed.
 150 (6) EXEMPTIONS.-A health care professional who is not
 151 licensed to provide health care services in this state but who
 152 holds an active license to provide health care services in
 153 another state or jurisdiction, and who provides health care

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154 services using telehealth to a patient located in this state, is
 155 not subject to the registration requirement under this section
 156 if the services are provided:

157 (a) In response to an emergency medical condition as
 158 defined in s. 395.002; or

159 (b) In consultation with a health care professional
 160 licensed in this state and that health care professional retains
 161 ultimate authority over the diagnosis and care of the patient.

162 (7) RULEMAKING.—The applicable board, or the department if
 163 there is no board, may adopt rules to administer the
 164 requirements of this section.

165 Section 2. Telehealth utilization and insurance coverage
 166 report.—

167 (1) The Agency for Health Care Administration, the
 168 Department of Health, and the Office of Insurance Regulation
 169 shall, within existing resources, survey health care facilities,
 170 health maintenance organizations, health care practitioners, and
 171 health insurers, respectively, and perform any other research
 172 necessary to collect the following information:

173 (a) The types of health care services provided via
 174 telehealth.

175 (b) The extent telehealth is used by health care
 176 practitioners and health care facilities nationally and in the
 177 state.

178 (c) The estimated costs and cost savings to health care
 179 entities, health care practitioners, and the state associated

180 with using telehealth to provide health care services.

181 (d) Which health care insurers, health maintenance

182 organizations, and managed care organizations cover health care

183 services provided to patients in Florida via telehealth, whether

184 the coverage is restricted or limited, and how such coverage

185 compares to that insurer's coverage for services provided in-

186 person. The comparison shall at a minimum include:

187 1. Covered medical or other health care services.

188 2. A description of whether payment rates for such

189 services provided via telehealth are below, equal to, or above

190 payment rates for such services provided in-person.

191 3. Any annual or lifetime dollar maximums on coverage for

192 services provided via telehealth and in-person.

193 4. Any copayments, coinsurance, or deductible amounts, or

194 policy year, calendar year, lifetime, or other durational

195 benefit limitation or maximum for benefits or services provided

196 via telehealth and in-person.

197 5. Any conditions imposed for coverage for services

198 provided via telehealth that are not imposed for coverage for

199 the same services provided in-person.

200 (e) The barriers to using, implementing the use of, or

201 accessing services via telehealth.

202 (2) The Agency for Health Care Administration shall

203 compile the surveys and research findings required by this

204 section and submit a report to the Governor, the President of

205 the Senate, and the Speaker of the House of Representatives by

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206 June 30, 2018.

207 (3) The Department of Health and Office of Insurance
 208 Regulation shall report their survey and research findings to
 209 the Agency for Health Care Administration and shall assist the
 210 Agency for Health Care Administration in compiling and producing
 211 the information into a report.

212 (4) The Agency for Health Care Administration, the
 213 Department of Health, and Office of Insurance Regulation may
 214 assess fines under s. 408.813(2)(d), s. 456.072(2)(d), and s.
 215 624.310(5), respectively, to enforce the participation of health
 216 care facilities, health maintenance organizations, health care
 217 practitioners, and health insurers to complete surveys required
 218 under this section.

219 (5) This section is repealed July 1, 2018.

220 Section 3. This act shall take effect July 1, 2016.