

# Louisiana Revised Statutes of 1950

## Title 40 – Public Health and Safety

### Chapter 5-D – Health Provisions: Health Care

#### Subchapter D. Healthcare Services

#### Part VII. Louisiana Telehealth Access Act

*[Editor’s Note: The Louisiana Telehealth Access Act was created by Act 442 of the 2014 Legislature, consisted of R.S. 40:1300.381 through 1300.384, and was effective August 1, 2014. Subsequent amendments are noted herein.]*

##### §1223.1. Short title

This Part shall be known and may be cited as the “Louisiana Telehealth Access Act.”  
(HCR 84 of 2015 Legislature re-designated the original R.S. 40:1300.381 as R.S. 40:1223.1)

##### §1223.2. Legislative findings

The legislature hereby finds and declares the following:

- (1) As an innovative form of health care, telehealth is extremely valuable because it enhances access to care, particularly in rural locations and other medically underserved areas; makes delivery of care more cost-effective; and distributes limited provider resources more efficiently.
- (2) Many patients with limited access to traditional health care can be diagnosed and treated sooner through telehealth than they would be otherwise, resulting in improved outcomes and less costly treatments due to early detection and prevention.
- (3) Telehealth services could potentially address a great unmet need for health care by persons who have limited access to both traditional healthcare settings and to telemedicine as currently defined in Louisiana law.
- (4) If this state is to achieve much needed improvement in health outcomes, a prudent and responsible policy for doing so would be to balance patient safety and access to care through expanding access to telehealth services for the people of Louisiana.

(HCR 84 of 2015 Legislature re-designated the original R.S. 40:1300.382 as R.S. 40:1223.2)

##### §1223.3. Definitions

- (1) “Asynchronous store and forward transfer” means the transmission of a patient’s medical information from an originating site to the provider at the distant site without the patient being present.
- (2) “Distant site” means the site at which the healthcare provider delivering the service is located at the time the service is provided via a telecommunications system.
- (3) “Healthcare provider” means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide health care or professional services as a physician assistant, hospital, nursing home, dentist, registered nurse, advanced practice registered nurse, licensed practical nurse, certified nurse assistant, offshore health service provider, ambulance service, licensed midwife, pharmacist, speech-language pathologist, audiologist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, certified or licensed athletic trainer, psychologist, medical psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, or licensed clinical laboratory scientist.
- (4) “Originating site” means the location of the patient at the time the service is furnished via a telecommunications system or when the asynchronous store and forward transfer occurs.
- (5) “Synchronous interaction” means communication through interactive technology that enables a healthcare provider and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. The healthcare provider may utilize interactive audio without the requirement of video if, after access and review of the patient’s medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.  
(Item 5 amended by Act 630 of 2016 Legislature, effective June 17, 2016)
- (6) “Telehealth” means a mode of delivering healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from healthcare providers. Telehealth allows services to be accessed

when providers are in a distant site and patients are in the originating site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.

*(HCR 84 of 2015 Legislature re-designated original R.S. 40:1300.383 as R.S. 40:1223.3)*

#### **§1223.4. Telehealth; rulemaking required**

- A. Each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider, as defined in this Part, may promulgate, in accordance with the Administrative Procedure Act, any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity. However, any rules and regulations shall be consistent with and no more restrictive than the provisions contained in this Section.  
*(Subsection A amended by Act 630 of 2016 Legislature, effective June 17, 2016)*
- B. The rules shall, at a minimum, provide for all of the following:
- (1) Application of all laws regarding the confidentiality of healthcare information and the patient's rights to the patient's medical information created during telehealth interactions.
  - (2) Application of the same standard of care by a healthcare provider as if the healthcare services were provided in person.
  - (3) (a) Licensing or registration of out-of-state healthcare providers who seek to furnish healthcare services via telehealth to persons at originating sites in Louisiana. The rules shall ensure that any such healthcare provider possesses, at a minimum, an unrestricted and unencumbered license in good standing to perform the healthcare service in the state in which the healthcare provider is located, and that the license is comparable to its corresponding license in Louisiana as determined by the respective Louisiana licensing agency, board, or commission.  
(b) Each state agency and professional or occupational licensing board or commission is authorized to provide by rule for a reasonable fee for the license or registration provided for in this Subsection.
  - (4) Exemption from the telehealth license or registration required by this Subsection for the consultation of a healthcare professional licensed by this state with an out-of-state peer professional.
- C. Nothing in this Part shall be construed to authorize a state agency or professional or occupational licensing board or commission to expand, diminish, or alter the scope of practice of any healthcare provider.

*(HCR 84 of 2015 Legislature re-designated the original R.S. 40:1300.384 as R.S. 40:1223.4)*

#### **§1223.5. Venue; telehealth and telemedicine**

Venue in any suit filed involving care rendered via telehealth pursuant to the provisions of this Part or telemedicine pursuant to the provisions of [R.S. 37:1271\(B\)](#) shall be proper and instituted before the district court of the judicial district in which the patient resides or in the district court having jurisdiction in the parish where the patient was physically located during the provision of the telehealth or telemedicine service. The patient is considered physically located at the originating site as defined in [R.S. 40:1223.3](#).

*(Section added by Act 630 of 2016 Legislature, effective June 17, 2018)*

(end of Part VII of Subchapter D of Chapter 5-D)

(end of Chapter 5)