

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

Committee/Subcommittee hearing PCB: Health & Human Services  
Committee

Representative Harrell offered the following:

**Amendment (with title amendment)**

Remove lines 207-298 and insert:  
chapter 490; or chapter 491.

(2) PRACTICE STANDARD.—

(a) The standard of care as provided in s. 766.102 is the same regardless of whether the physician, physician assistant, advanced registered nurse practitioner, or pharmacist provides health care services in person or by telehealth. The applicable board may adopt rules specifically related to the standard of care for telehealth.

(b) A telehealth provider providing telehealth services under this act is responsible for the quality of the equipment and technology employed and for its safe use. Telehealth

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18 equipment and advanced communications technology must, at a  
19 minimum, be able to provide the same information to the  
20 telehealth provider as the information that would be obtained in  
21 an in-person encounter with a health care provider and must  
22 enable the telehealth provider to meet or exceed the prevailing  
23 standard of care for the practice of the profession.

24 (c) The telehealth provider is not required to conduct a  
25 patient history or physical examination of the patient before  
26 engaging in a telehealth encounter if the telemedicine provider  
27 conducts a patient evaluation sufficient to meet the prevailing  
28 standard of care for the services provided.

29 (d) Before each telehealth encounter, the identification  
30 and location of the telehealth provider and all other  
31 individuals present via advanced communications technology who  
32 will view the patient or the patient's information must be  
33 identified to the patient.

34 (e) For the purposes of this act, the nonemergency  
35 prescribing of a legend drug based solely on an electronic  
36 questionnaire without a visual examination is considered a  
37 failure to practice with the level of care, skill, and treatment  
38 which is recognized by a reasonably prudent physician, physician  
39 assistant, advanced registered nurse practitioner, or pharmacist  
40 and is not authorized under this act.

41 (f) A telehealth provider may not use telehealth to  
42 prescribe a controlled substance for chronic nonmalignant pain,  
43 as defined under s. 456.44, unless the controlled substance is

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44 ordered for inpatient treatment at a hospital licensed under ch.  
45 395.

46 (g) A telehealth provider and a patient may each be in any  
47 location when telehealth is used to provide health care services  
48 to a patient.

49 (h) A non-physician telehealth provider using telehealth  
50 and acting within the relevant scope of practice, as established  
51 by Florida law and rule, may not be interpreted as practicing  
52 medicine without a license.

53 (3) RECORDS.—A telehealth provider shall document in the  
54 patient's medical record the health care services rendered using  
55 telehealth according to the same standard as used for in-person  
56 services in this state. Medical records, including video, audio,  
57 electronic, or other records generated as a result of providing  
58 such services, are confidential pursuant to ss. 395.3025(4) and  
59 456.057.

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

Remove lines 34-44 and insert:

requiring the telehealth provider and all other individuals who  
will view the patient to identify themselves and their location  
prior to providing services through telehealth; providing