NOTICE OF INTENT

Department of Health and Hospitals
Board of Medical Examiners

Physician Practice; Telemedicine (LAC 46:XLV.7505)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board intends to amend its rules governing telemedicine to delete the words “in this state” from 7505.C. for consistency with the Louisiana Administrative Procedure Act, the hearing will be held on Thursday, May 30, 2019 at 11:30 a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Vincent A. Culotta, Jr., M.D.,
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Physician Practice; Telemedicine

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in a one-time publication expense estimated at $425 in FY 19-20 for the LA State Board of Medical Examiners (LSBME). Otherwise, the proposed change will not result in any additional costs for state or local governmental units.

The proposed change amends the rules governing the practice of physicians located in this state who utilize telemedicine in the care of their patients. Specifically, the proposed amendment deletes the words “in this state” regarding where a patient may receive telemedicine services for consistency with LA R.S. 37:1271(4)(a). Therefore, the administrative rules would not inadvertently prevent physicians from prescribing medication or other health care services to their patients who may be vacationing or temporarily outside of Louisiana, to the extent that such activities or practices are lawful and permitted by the medical licensing authorities in other jurisdictions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may benefit Louisiana citizens while vacationing or temporarily outside of Louisiana who may continue to receive care from their Louisiana licensed physicians. The change may also benefit Louisiana licensed physicians by allowing them to provide continuity of care to their Louisiana patients who may be temporarily out of state. Given that...
Louisiana medical licensure cannot authorize a physician to practice medicine beyond the borders of this state. Louisiana physicians seeking to accommodate their patients in this manner will need to verify their lawful authority to do so with the medical licensing authorities of the state in which their patient is located. The LSBME cannot estimate this cost or addition to a physician’s workload.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment.

Vincent A Culotta, Jr. Evan Brasseaux
Executive Director Staff Director
1904#059 Legislative Fiscal Office