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What is the definition of “telemedicine” or “telehealth”?

Louisiana regulations provide an additional definition for the term “telemedicine”:

[T]he practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data by a physician using interactive telecommunication technology that enables a physician and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. Neither an electronic mail message between a physician and a patient, or a true consultation constitutes telemedicine. . . . A physician practicing by telemedicine may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the physician determines that he or she is able to meet the same standard of care as if the healthcare services were provided in person.

[LA. ADMIN. CODE tit. 46:XLV, § 7503\(A\).](#)

PSYCHIATRISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Either a medical license or a telemedicine license, both of which are issued by the Louisiana State Board of Medical Examiners, is required.

“The practice of medicine is deemed to occur at the location of the patient. Therefore, no physician shall utilize telemedicine to provide medical services to patients located in this state unless the physician:

1. holds an unrestricted Louisiana medical license; or
2. holds a telemedicine permit as provided in § 408 of these rules.”

[LA. ADMIN. CODE tit. 46:XLV, § 7507\(A\).](#)

“A physician utilizing telemedicine with respect to patients located in this state shall have:

1. access to the patient's medical record;

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2. if required by the standard of care applicable to the diagnosis or treatment of the patient's complaints in a traditional (face-to-face) setting, the ability:
 - a. to utilize peripherals (such as otoscope and stethoscope);
 - b. to obtain diagnostic testing;
 - c. if necessary in the physician's judgment, to access a patient presenter to assist with the telemedicine encounter; and
 - d. to refer the patient to another physician in this state or arrange for follow-up care within this state as may be indicated for that purpose.”

[LA. ADMIN. CODE tit. 46:XLV, § 7507\(B\).](#)

“Prior to utilizing telemedicine a physician shall insure that the following disclosures have been made to the patient and documented in the medical record. Such disclosures need not be made or documented more than once, except to update the information provided:

1. the name, Louisiana medical license number and contact information [address, telephone number(s)] of the physician;
2. the physician's specialty or area of practice;
3. how to receive follow-up and emergency care;
4. how to obtain copies of medical records and/or insure transmission to another medical provider;
5. how to receive care in the event of a technology or equipment failure; and
6. notification of privacy practices concerning individually identifiable health information, consistent with state and federal laws and regulations.”

[LA. ADMIN. CODE tit. 46:XLV, § 7507\(C\).](#)

“No physician shall utilize telemedicine . . . to authorize or order the prescription, dispensation or administration of any controlled substance unless;

- a. the physician has had at least one in-person visit with the patient within the past year; provided, however, the requirement for an in-person visit shall not apply to

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- a physician who holds an unrestricted license to practice medicine in this state and who practices telemedicine upon any patient being treated at a healthcare facility that is required to be licensed pursuant to the laws of this state and which holds a current registration with the U.S. Drug Enforcement Administration;
- b. the prescription is issued for a legitimate medical purpose;
 - c. the prescription is in conformity with the same standard of care applicable to an in-person visit; and
 - d. the prescription is permitted by and in conformity with all applicable state and federal laws and regulations.”

[LA. ADMIN. CODE tit. 46:XLV, § 7513\(C\)\(3\).](#)

However, “[t]he board may grant an exception to the limitations of § 7513.C in an individual case that is supported by a physician's written application stating how and why he or she proposes to deviate from § 7513.C. If an exception is granted by the board it shall be stated in writing and specify the manner and extent to which the physician shall be authorized to depart from § 7513.C.”

[LA. ADMIN. CODE tit. 46:XLV, § 7513\(C\)\(4\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

In June 2016, the Louisiana statute governing the practice of telemedicine changed with respect to the conditions under which a physician may engage in a telemedicine encounter without conducting an in-person patient history or physical examination:

- (i) “Holds an unrestricted license to practice medicine in Louisiana.
- (ii) Has access to the patient’s medical records upon consent of the patient.
- (iii) Creates a medical record on each patient and makes such record available to the board upon request.
- (iv) If necessary, provides a referral to a physician in this state or arranges for follow-care in this state as may be indicated.”

[LA. REV. STAT. § 37:1271\(B\)\(2\)\(b\).](#)

The Louisiana statute also now specifies that “[a] physician practicing telemedicine may utilize interactive audio without the requirement of video if, after access and review of the patient’s medical records, the physician determines that he is able to meet the same standard of care as if the healthcare services were provided in person.”



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[LA. REV. STAT. § 37:1271\(B\)\(6\).](#)

Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

“No physician shall utilize telemedicine . . . to authorize or order the prescription, dispensation or administration of any controlled substance unless;

- a. the physician has had at least one in-person visit with the patient within the past year; provided, however, the requirement for an in-person visit shall not apply to a physician who holds an unrestricted license to practice medicine in this state and who practices telemedicine upon any patient being treated at a healthcare facility that is required to be licensed pursuant to the laws of this state and which holds a current registration with the U.S. Drug Enforcement Administration. . . .”

[LA. ADMIN. CODE tit. 46:XLV, § 7513\(C\)\(3\)\(a\).](#)

SOCIAL WORKERS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [Louisiana State Board of Social Work Examiners, *Electronic Social Work Practice*.](#)

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The Louisiana State Board of Social Work Examiners website also refers site users to the [ASWB International Technology Task Force, Model Regulatory Standards for Technology and Social Work Practice](#) (2013-2014).



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ADVANCED PRACTICE REGISTERED NURSES (APRNs)

Does an APRN have prescribing authority? If so, under what conditions/limits may an APRN prescribe via telemedicine/telehealth?

The Louisiana statute dealing with prescribing authority rules applicable to APRNs has been modified to state the following:

An advanced practice registered nurse (APRN) shall practice in a manner consistent with the definition of advanced practice set forth in R.S. 37:913(3). An APRN may be granted prescriptive authority to prescribe assessment studies, including pharmaceutical diagnostic testing (e.g., dobutamine stress testing) legend and certain controlled drugs, therapeutic regimens, medical devices and appliances, receiving and distributing a therapeutic regimen of prepackaged drugs prepared and labeled by a licensed pharmacist, and free samples supplied by a drug manufacturer, and distributing drugs for administration to and use by other individuals within the scope of practice as defined by the board in R.S. 37.913(3)(b).

[LA. ADMIN. CODE tit. 46:XLVII, § 4513\(D\).](#)

APRNs may prescribe controlled substances.

[LA. ADMIN CODE tit. 46, pt. LIII, § 2745\(A\)\(1\).](#)

PRIVACY/CONFIDENTIALITY

What are the specific privacy/confidentiality requirements involving mental health records?

Effective Aug. 1, 2017, [Louisiana House Enrolled Bill No. 341](#) amended the Louisiana statute discussing whether a representative to a mental health patient may access the patient's medical records to provide the following:

The treating physician or provider shall act in accordance with an operative advance directive when the principal has been found to be incapable pursuant to R.S. 28:226. Notwithstanding the operative advance directive, the treating physician or provider shall endeavor to communicate with the principal regarding his proposed behavioral health treatment and even continue to obtain the principal's informed consent to



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all behavioral health treatment decisions if the principal is capable of providing informed consent or refusal.

[LA. REV. STAT. § 28:225\(B\).](#)

Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?

Louisiana telemedicine regulations pertaining to patient records require the following:

“Patient records shall be:

1. created and maintained for every telemedicine visit according to the same standards of care as in an in-person visit. The record shall clearly reflect and state that the patient encounter occurred by telemedicine;
2. confidential and subject to all applicable state and federal laws and regulations relative to privacy and security of health information;
3. accessible by a patient and the physician consistent with all state and federal laws and regulations; and
4. made available to the patient or a physician to whom the patient may be referred within a reasonable period of time; and
5. made available to the board upon request.”

[LA. ADMIN. CODE tit. 46:XLV, § 7509\(A\).](#)

FOLLOW-UP CARE

What are the requirements regarding follow-up care for telemental/telebehavioral/telepsychiatric health services?

Louisiana telemedicine regulations require that physicians disclose to patients, and document in the medical records, how to receive follow-up and emergency care.

[LA. ADMIN. CODE tit. 46:XLV, § 7507\(C\)\(3\).](#)



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CONTROLLED SUBSTANCES

What are the requirements/laws governing the prescribing of “controlled” substances?”

Louisiana has added the following requirements to its statute discussing written controlled substance prescriptions:

- (v) “For each prescription drug or device ordered on a prescription form, there shall be a refill instruction, if any.
- (vi) The prescription form shall bear a single printed signature line, and the prescriber shall manually sign the prescription.”

[LA. ADMIN. CODE tit. 46:LIII, §§ 2745\(C\)\(7\)\(a\)\(v\)-\(vi\).](#)