

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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February 6, 2012

RE: Request for Advisory Opinion—  
On-line medical service

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During its January 2012 meeting the Louisiana State Board of Medical Examiners considered your request for its advice as to your plans to offer patients, with an established relationship with your practice, after-hour medical care. The Board asked that I acknowledge your request and advise you that in its view the plan is problematic for several reasons.

First, while it is claimed that medical services will be offered by "telemedicine," it is clear from the materials provided that such is not what is contemplated. "Telemedicine," is defined by the Board's rules as:

"The 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 a telephone conversation, an electronic mail message between a physician and a patient, or a true consultation constitutes telemedicine for the purposes of this Part." La. Adm. C. 46XLV.7503A.

The Board's telemedicine rules identify certain limitations and requirements, specify that the patient be attended by support staff during a telemedicine visit, and address specific requirements applicable to record-keeping, informed consent and the prescribing of controlled substances, some of which are not included in the plan.<sup>1</sup> In short, the plan would not comply with the Board's telemedicine rules.

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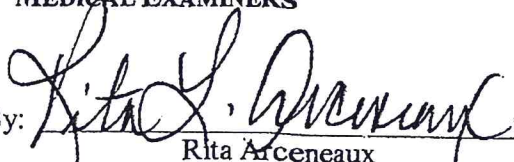
<sup>1</sup>La. Adm. C. 46XLV.7501-7521.

Second, it appears that the plan contemplates making medical diagnoses, prescribing medication and offering treatment recommendations based entirely on an on-line questionnaire completed by the patient. As expressed by its rules, the Board does not believe that medical care based on an on-line questionnaire is appropriate e.g. "[A]n online, electronic or written mail message, or a telephonic evaluation by questionnaire or otherwise, does not satisfy the standards of appropriate care."<sup>2</sup> A practitioner engaged in such conduct would therefore be practicing in a manner that is contrary to the Board's rules.

While we understand that the above is not the reply for which you had hoped, we trust that it is nevertheless responsive to your request.

Sincerely,

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

By:   
Rita Arceneaux  
Confidential Executive Assistant

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<sup>2</sup>La. Adm. C. 46XLV.7505B.