



Louisiana State Board of Medical Examiners
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*** *Advisory Opinion* ***

**The use of Telemedicine Technologies
with Established Patient**

March 24, 2014

The use of Telemedicine Technologies with Established Patients. In recent months, the Board has received inquiries from Louisiana licensed physicians engaged in the practice of medicine within this state who would like to use telemedicine technologies to communicate with patients who have been seen in their office between regularly schedule office visits but are unable to do so in strict compliance with the Board's Telemedicine Rules.[1] Because these communications typically take place when the patient is at home, a licensed health care provider is not present in the room with the patient to assist with the interaction.[2]

The Board recognizes that telemedicine technologies are rapidly advancing and continue to provide opportunities for improving the delivery and accessibility of quality healthcare to patients in this state. In an office practice particularly, telemedicine technologies can enhance medical care by facilitating communication between physicians and their patients as they monitor chronic conditions, assess responses to new medications or therapies, review and discuss the results of diagnostic studies or consultations, or provide health care information to clarify medical advice. In the Board's view, physician use of telemedicine technologies in this manner is wholly consistent with the manner that physicians have typically utilized telephone or email to follow-up with their established patients.

In consideration of the above, and in line with our on-going desire to facilitate the use of telemedicine technologies in the delivery of medical care, the Board wishes to advise physicians that the use of telemedicine technologies[3] to communicate with established patients between regularly schedule office visits will not, for purposes of enforcement, be considered *telemedicine* provided the following conditions are observed: (i) such interactions may only be used with an established patient (e.g., those with whom there has been a face-to-face office visit); (ii) the patient's medical record is available to the physician; (iii) such interactions would not be used to address any condition that would require a physical examination; (iv) the patient maintains the option of being seen by the physician if the patient or physician believes that the complaints warrant a face-to-face interaction and/or physical examination; and (v) such interactions shall not be used to prescribe controlled substances.

In due course, the Board plans to undertake a rule-making effort to amend its Telemedicine Rules consistent with this advice.

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[1]LAC 46:XLV.7501-7521.

[2]As with the law, the Board's rules require that 'A licensed health care professional who can adequately and accurately assist with the requirements of §§7509 and 7511 of this Chapter shall be in the examination room with the patient at all times that the patient is receiving telemedicine services.' La. Rev. Stat. §37:1271B(2); LAC 46:XLV.7407B.

[3]The Board reminds physicians of their obligation to insure that all patient-physician interactions are conducted in a manner that is consistent with state and federal requirements governing patient privacy and security.