Blog Post

2019 Legislative Session – The Passage of Telehealth (HB 23)

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In the closing days of this year's legislative session, the Florida House and Senate came to agreement on statutory language that adopts the parameters for telehealth for Florida. HB 23, sponsored by Representative Clay Yarborough, establishes a statutory basis for telehealth services, provides meaningful definitions of the terms telehealth and telehealth provider, and creates Section 456.47 Florida Statutes which provides the standards of practice under which all telehealth providers must operate. HB 23 further creates Sections 627.42396 and 641.31 relating to certain reimbursement requirements for contracts between health insurers, health maintenance organizations, and telehealth providers. Notably absent from this bill is earlier language that provided for a tax credit and a requirement of payment parity for out-of-state and in -state services.

In accordance with the bill's definition, a telehealth provider is any individual providing healthcare and related services that uses telecommunication technology, exclusive of audio-only telephone calls, email messaging, and facsimile transmissions, to provide healthcare and related services to individuals in Florida. Such services include, but are not limited to the assessment, diagnosis, treatment, and monitoring of patients in need of care. The bill further states that out-of-state telehealth providers

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must be appropriately licensed by some other state, register with the Florida Department of Health, maintain professional liability coverage, and pay an initial registration fee of $150, among other requirements.

Among the restrictions provided for by HB 23, a telehealth provider is prohibited from opening an office or providing in-person services in the state. As well, telehealth providers may not use telehealth to provide controlled substances, unless specified for treatment of a psychiatric disorder, as part of an inpatient treatment at a hospital licensed under Chapter 395 Florida Statutes, or for a patient receiving treatment in a hospice, or nursing home.

Absent veto by Governor DeSantis, HB 23 is likely to be of significant benefit to the State. Upon becoming law, the bill is likely to significantly increase access to care in both rural and urban areas where physician availability is problematic. HB 23 is scheduled to take effect on July 1, 2019.

Akerman is pleased to be able to offer this timely update to you, and stands willing to discuss this bill further should you need additional information.

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