

The House Committee on Health and Human Services offers the following substitute to SB 115:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the "Medical Practice Act of the State of Georgia," so as to provide for telemedicine licenses for physicians licensed in other states to engage in the practice of medicine with patients in this state through telemedicine; to provide for requirements for issuance of a telemedicine license; to provide for restrictions; to provide for notice of restrictions placed on a license by another state; to provide for rules and regulations; to provide for revocation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the "Medical Practice Act of the State of Georgia," is amended by revising subsection (a) of Code Section 43-34-31, relating to practice of medicine from foreign jurisdiction by electronic means, as follows:

"(a) A person who is physically located in another state or foreign country and who, through the use of any means, including electronic, radiographic, or other means of telecommunication, through which medical information or data are transmitted, performs an act that is part of a patient care service located in this state, including but not limited to the initiation of imaging procedures or the preparation of pathological material for examination, and that would affect the diagnosis or treatment of the patient is engaged in the practice of medicine in this state. Any person who performs such acts through such means shall be required to have a license to practice medicine in this state or a telemedicine license issued pursuant to Code Section 43-34-31.1 and shall be subject to regulation by the board. Any such out-of-state or foreign practitioner shall not have ultimate authority over the care or primary diagnosis of a patient who is located in this state."

**SECTION 2.**

Said article is further amended by adding a new Code section to read as follows:

"43-34-31.1.

(a) The board shall be authorized to issue telemedicine licenses to physicians who are licensed in other states but not licensed in this state to engage in the practice of medicine through telemedicine, as defined in Code Section 33-24-56.4.

(b) To be eligible for a telemedicine license, the physician shall:

(1) Hold a full and unrestricted license to practice medicine in another state;

(2) Not have had any disciplinary or other action taken against him or her by any other state or jurisdiction; and

(3) Meet such other requirements established by the board pursuant to subsection (c) of this Code section as deemed necessary by the board to ensure patient safety.

(c) The board shall adopt rules as to the eligibility for and the issuance of a telemedicine license. Such rules shall include limiting licensees to the practice of telemedicine. A person issued a telemedicine license pursuant to this Code section shall not be authorized to engage in the practice of medicine while physically present in this state with respect to a patient also physically present in this state; provided, however, that this subsection shall not apply to consultation provided in response to an emergency.

(d) A person issued a telemedicine license pursuant to this Code section shall immediately notify the board of any restrictions placed on his or her license or revocation of his or her license by a licensing board or entity in another state.

(e) A person issued a telemedicine license pursuant to this Code section shall be required to comply with all applicable requirements of the laws of this state relating to the maintenance of patient records and the confidentiality of patient information, regardless of where such physician may be located and regardless of where or how the records of any patient located in this state are maintained.

(f) Except as otherwise provided in this Code section, a person issued a telemedicine license pursuant to this Code section shall be subject to and shall comply with the provisions of this article and the rules and regulations of the board.

(g) The license of any person who violates this Code section shall be subject to revocation by the board after notice and opportunity for hearing."

**SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.