

Senate Bill 115

By: Senators Unterman of the 45th, Walker III of the 20th, Burke of the 11th, Beach of the 21st, Gooch of the 51st and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

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

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

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

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

SECTION 2.

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

28 "43-34-31.1.

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

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

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

34 (2) Not have had any disciplinary or other action taken against him or her by any other
35 state or jurisdiction.

36 (c) The board shall adopt rules for the issuance of a telemedicine license that limits the
37 licensee to the practice of telemedicine only. A person issued a telemedicine license
38 pursuant to this Code section shall not be authorized to engage in the practice of medicine
39 while physically present in this state with respect to a patient also physically present in this
40 state; provided, however, that this subsection shall not apply to consultation provided in
41 response to an emergency.

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

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

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

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

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SECTION 3.

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