

# Louisiana

**Medicaid Program:** Louisiana Medicaid

**Program Administrator:** LA Dept. of Health and Hospitals

**Regional Telehealth Resource Center:**

TexLa Telehealth Resource Center  
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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<p>“Telemedicine is the practice of health care delivery, diagnosis, consultation, treatment, and transfer of medical data using interactive telecommunication technology that enables a health care practitioner and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. Neither a telephone conversation nor an electronic mail message between a health care practitioner and patient, or a true consultation as may be defined by rules promulgated by the board pursuant to the Administrative Procedure Act, constitutes telemedicine.”</p> <p><i>Source: LA Revised Statutes 37:1262.</i></p> <p>Telemedicine - 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 an electronic mail message between a physician and a patient, or a true consultation constitutes telemedicine for the purposes of this Part. A physician practicing by telemedicine may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the physician determines that he or she is able to meet the same standard of care as if the healthcare services were provided in person.</p> <p><i>Source: LA Admin. Code 46:XLV.75.</i></p> <p>Telehealth means a mode of delivering healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management and self-management of patients at a distance from healthcare providers. Telehealth allows services to be accessed</p>	<p>“Telemedicine is the use of medical information exchanges from one site to another via electronic communications to improve a recipient’s health. Electronic communication means the use of interactive telecommunications equipment that includes, at a minimum, audio and video equipment permitting two-way, real time interactive communication between the patient at the originating site, and the physician or practitioner at the distant site.”</p> <p><i>Source: LA Dept. of Health and Hospitals, Professional Svcs. Provider Manual, Chapter Five of the Medicaid Svcs. Manual, p. 168 (As revised on Apr. 21, 2017). (Accessed Oct. 2017).</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p>when providers are in a distant site and patients are in the originating site. Telehealth facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers.</p> <p><i>Source: LA Revised Statutes HB 1280 (2014) &amp; Title 40 Sec. 1300.383 &amp; Title 46, Part LXXV, Ch. 1, Sec. 103 (Speech Language Pathology/Audiology).</i></p>	
<b>Live Video Reimbursement</b>	
<p>Louisiana law requires reimbursement to the originating site physician for a live video consultation if he/she is physically present during the exam and interacts with the distant-site physician. (See “Private Payers” section below)</p> <p><i>Source: LA Revised Statutes 22:1821 (2012).</i></p>	<p>Louisiana Medicaid reimburses for “services provided via an interactive audio and video telecommunications system.”</p> <p><i>Source: LA Register, Volume 31, 2032 (2012).</i></p> <p>Louisiana Medicaid only reimburses the distant site provider.</p> <p><i>Source: LA Dept. of Health and Hospitals, Professional Svcs. Provider Manual, Chapter Five of the Medicaid Svcs. Manual, p. 168 (As revised on Apr. 21, 2017). (Accessed Oct. 2017).</i></p>
<b>Store and Forward Reimbursement</b>	
<p>There is no reimbursement requirement based upon the definition of “telemedicine” which describes telemedicine as an interaction “via two-way video and audio transmission”.</p> <p><i>Source: LA Revised Statutes 37:1262 (2012).</i></p>	<p>Louisiana Medicaid will not provide reimbursement for store and forward based upon the definition of “telemedicine” which describes telemedicine as including “audio and video equipment permitting two-way, real time interactive communication” therefore excluding store and forward.</p> <p><i>Source: LA Dept. of Health and Hospitals, Professional Svcs. Provider Manual, Chapter Five of the Medicaid Svcs. Manual, p. 168 (As revised on Apr. 21, 2017). (Accessed Oct. 2017).</i></p>
<b>Remote Patient Monitoring Reimbursement</b>	
<p>No reference found.</p>	<p>Under the Community Choices Waiver, Louisiana Medicaid will reimburse an installation fee and a monthly maintenance fee for:</p> <ul style="list-style-type: none"> <li>• TeleCare Activity and Sensor Monitoring,</li> <li>• Health status monitoring, and</li> <li>• Medication dispensing and monitoring.</li> </ul> <p><b><u>Activity and Sensor Monitoring</u></b></p> <p>At a minimum the system must:</p> <ul style="list-style-type: none"> <li>• Monitor the home’s points of egress and entrance;</li> <li>• Detect falls;</li> <li>• Detect movement or lack of movement;</li> <li>• Detect whether doors are opened or closed; and</li> <li>• Provide a push button emergency alert system.</li> </ul> <p>Providers of assistive devices and medical equipment must be a licensed home health agency.</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
	<p>Certain standards apply for the medical equipment and supplies used.</p> <p>Limitations</p> <ul style="list-style-type: none"> <li>• Services must be pre-approved</li> <li>• Services must be based on verified need.</li> <li>• Benefit must be determined by an independent assessment on any item that costs over \$500.</li> <li>• All items must reduce reliance on other Medicaid state plan or waiver services</li> <li>• All items must meet applicable standards of manufacture, design and installation</li> <li>• The items must be on the Plan of Care developed by the support coordinator.</li> </ul> <p>A recipient is not able to receive Telecare Activity and Sensor Monitoring services and traditional PERS services.</p> <p>Where applicable, recipients must use Medicaid State Plan, Medicare or other available payers first.</p> <p><i>Source: LA Dept. of Health and Hospitals, Community Choices Waiver Provider Manual, Chapter Seven of the Medicaid Svcs. Manual, p. 29-30 (as revised on Jan. 11, 2017). (Accessed Oct. 2017).</i></p>
<b>Email/Phone/FAX</b>	
<p>No reimbursement for email. No reimbursement for telephone. No reference found for FAX.</p> <p><i>Source: LA Revised Statutes 37:1262 (2012).</i></p> <p><b>Practice of Medicine</b> <i>(does not apply to reimbursement):</i> A physician may utilize interactive audio without video after access and review of the patient's medical records, and the physician determines that he is able to meet the same standard of care if the health care services were provided in person.</p> <p><i>Source: LA Revised Statutes Sec. 40:1223.3 (HB 570 – 2016).</i></p>	<p>No reference found.</p>
<b>Online Prescribing</b>	
<p>Only physicians certificated by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association shall use telemedicine to prescribe amphetamines or narcotics.</p> <p>Telemedicine, including the issuance of any prescription via electronic means, shall be held to the same prevailing and usually accepted standards of medical practice as those in traditional, face-to-face settings.</p> <p>An online, electronic or written mail message, or a</p>	<p><b>Greater New Orleans Community Health Connection Provider Manual</b></p> <p>The use of a telemedicine communications system may substitute for a face-to-face, "hands on" encounter for consultation, office visits, individual psychotherapy and pharmacologic management.</p> <p><i>Source: LA Dept. of Health and Hospitals, Greater New Orleans Community Health Connection Provider Manual, Chapter Forty-seven of the Medicaid Svcs. Manual, p. 65 (as revised Oct. 22, 2015). (Accessed Oct. 2017).</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p>telephonic evaluation by questionnaire or otherwise, does not satisfy the standards of appropriate care.</p> <p>To establish a physician-patient relationship an in-person visit is not required if the technology is sufficient to provide the physician the pertinent clinical information.</p> <p>No physician shall authorize or order the prescription, dispensation or administration of any controlled substance unless; a. the physician has had at least one in-person visit with the patient within the past year; provided, however, the requirement for an in-person visit shall not apply to a physician who holds an unrestricted license to practice medicine in LA and who practices telemedicine upon any patient being treated at a healthcare facility that is required to be licensed pursuant to the laws of LA and which holds a current registration with the U.S. Drug Enforcement Administration.</p> <p><i>Source: LA Admin. Code 46:XLV.408, Ch. 75.</i></p> <p>For physicians practicing telemedicine and treating a patient at a healthcare facility that is required to be licensed according to the laws of LA and holds a current registration with the US Drug Enforcement Administration:</p> <ul style="list-style-type: none"> <li>• Physician must use the same standard of care as in person.</li> <li>• Physician must be authorized to prescribe any controlled dangerous substance without necessity of conducting an appropriate in-person patient history or physical examination.</li> <li>• Physician shall not be subject to any regulation prohibition or restriction on the use of telemedicine that is more restrictive than those that are otherwise applicable to their entire profession.</li> </ul> <p><i>Source: LA Statute Sec. 1271.1 (HB 480 – 2016).</i></p> <p>No physician practicing telemedicine can prescribe a controlled dangerous substance prior to conducting an appropriate in-person patient history or physical examination of the patient.</p> <p><i>Source: LA Revised Statutes Sec. 1300.381 &amp; HB 1280 (2014).</i></p>	
<b>Consent</b>	
<p>Physicians must inform telemedicine patients of the relationship between the physician and patient, and the role of any other health care provider with respect to management of the patient. The patient may decline to receive telemedicine services and withdraw from such care at any time.</p>	<p>No reference found.</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<i>Source: LA Admin. Code 46:XLV.7511 (2012).</i>	
<b>Location</b>	
No reference found.	No reference found.
<b>Cross-State Licensing</b>	
<p>A telemedicine license may be issued to out-of-state physicians, as long as they hold a full and unrestricted license in another state or U.S. territory.</p> <p>Out-of-state telemedicine providers cannot open an office, meet with patients or receive calls from patients within Louisiana.</p> <p>A licensed health care provider must be in the examination room with the patient during telemedicine services.</p> <p><i>Source: LA Revised Statutes 37:1276.1 (2012).</i></p> <p>LA state agencies and professional boards can regulate the use of telehealth including licensing of out-of-state healthcare providers.</p> <p><i>Source: LA Revised Statutes Sec. 1300.381 &amp; HB 1280 (2014).</i></p> <p>A physician may practice in the state with a full license, or hold a telemedicine permit.</p> <p><i>Source: LA Admin. Code 46:XLV.75.</i></p> <p>Telemedicine Permit application available on LA Medical Board's website.</p>	No reference found.
<b>Private Payers</b>	
<p>Reimbursement must be made to the originating site physician if he/she is physically present during the exam and interact with the distant-site physician.</p> <p>Originating-site physician fees shall be at least 75 percent of the normal fee for an intermediate office visit.</p> <p>No reference found for distant-site physician reimbursement.</p> <p><i>Source: LA Revised Statutes 22:1821 (2012).</i></p>	No reference found.
<b>Site/Transmission Fee</b>	
No reference found.	No reference found.
<b>Miscellaneous</b>	
Louisiana law requires that a physician who uses telemedicine establish a proper physician-patient relationship. Physicians must:	

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<ul style="list-style-type: none"> <li>• Verify the identity of the patient;</li> <li>• Conduct an appropriate exam;</li> <li>• Establish a proper diagnosis;</li> <li>• Establish a treatment plan;</li> <li>• Create a written plan for follow up care.</li> </ul> <p><i>Source: LA Admin. Code 46:XLV.7509 (2012).</i></p>	

Comments:

Professional Board Telehealth-Specific Regulations

- Louisiana Medical Board (*Title 46, Part XLV, Subpart 1, Subchapter C, Ch. 75*)
- Speech Language Pathology and Audiology (*Title 46, Part LXXV, Ch. 1*).

Louisiana has specific standards for its telemedicine physicians.

*Source: LA Statute Sec. 1300.381 & House Bill 1280 (2014).*

Louisiana created a Task Force on Telehealth access to advise the legislature and the Department of Health and Hospitals on policies and practices that expand access to telehealth services.

*Source: LA House Concurrent Resolution 88 (2014).*