Florida Board of Medicine Hearing on Telemedicine and Medical Marijuana

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The Florida Board of Medicine will hold a public hearing on February 3, 2017 to discuss its proposed amendment to Florida’s telemedicine practice rules. The proposed amendment, published December 8, 2016, is intended to clarify that physicians may not order medical cannabis or low-THC cannabis via telemedicine.

The amendment would add a new Section (5) to the Standards for Telemedicine Practice under 64B8-9.0141, F.A.C. If the proposed amendment is finalized, the regulation would state as follows: “(5) Medical cannabis or low-THC cannabis, as defined by s. 381.986, F.S., may not be ordered by means of telemedicine.”

Interested physicians and providers may want to attend the public hearing, both to learn more about the Board’s position on medical marijuana and telemedicine, and to contribute their perspectives to inform the discussion. Some points of potentially-useful clarification to discuss at the hearing may include, for example:

- Whether or not a physician may conduct a telemedicine-based exam to qualify a patient for Florida’s compassionate use registry (and start the 90 day clock), assuming the physician subsequently conducts an in-person exam prior to ordering medical marijuana?

- Whether or not a physician may use telemedicine-based exams for follow-up or interim consults with patients receiving medical marijuana?

Some states, like California, do not prohibit telemedicine-based examinations for medical marijuana, while others, like Colorado, require an in-person examination prior to recommending medical marijuana. Even in states that allow telemedicine-based examinations for medical marijuana, providers should keep in mind that the examination for the condition for which medical marijuana is being recommended must be an appropriate prior examination and meet the standard of care.

What’s Next?
The Florida Board of Medicine public hearing will occur on February 3, 2017 at 8:00 a.m., at:

The Omni Orlando Resort at Championsgate

1500 Masters Boulevard

Championsgate, Florida 33896

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National Law Review, Volume VII, Number 11

Source URL: https://www.natlawreview.com/article/florida-board-medicine-hearing-telemedicine-and-medical-marijuana