

## 10 Tips for Complying with Georgia's Telemedicine Laws

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On January 22, 2018, the Georgia House of Representatives adopted a [Resolution](#) recognizing telehealth as an important tool to improving access to health care in Georgia. One week later, the Georgia Senate recognized January 30, 2018, as Telehealth Day at the State Capitol. The Peach State clearly remains an enthusiastic pioneer in its use of telemedicine as a means of delivering health care.

This article is educational and not intended as legal advice. Practitioners should be watchful for changes in the law and interpretations in this emerging field. For deeper discussions on offering telemedicine services in Georgia, please consider attending the "Georgia Telehealth: 2018 Legal & Regulatory Update," a half-day educational program offered at the Global Partnership for Telehealth's [2018 Annual Telehealth Conference](#) in Jekyll Island, GA on March 19-21, 2018.

Here are 10 tips when to consider when providing telemedicine services in Georgia:

1. **Know the Licensing Requirements.** Physicians providing services via telemedicine to patients located in Georgia must be licensed in Georgia. Licensing exemptions are available, such as the peer-to-peer [consultation exception](#). Whichever approach best fits your needs, take time to properly know the legal landscape and requirements.
2. **Establish a Valid Provider-Patient Relationship.** A valid physician-patient relationship may be established via telemedicine if, prior to the telemedicine encounter, the provider meets one of the following situations:
  1. The provider has personally seen and examined the patient (in-person) and provides ongoing or intermittent care by electronic or other such means; or
  2. The provider is providing medical care by electronic or other such means at the request of a physician, physician assistant or advanced practice registered nurse licensed in Georgia who has personally seen and examined the patient;
  3. The provider is providing medical care by electronic or other such means at the request of a Public Health Nurse, a Public School Nurse, the Department of Family and Children's Services, law enforcement, community mental health center or through an established child advocacy center for the protection for a minor, and the physician, physician assistant or advanced practice registered nurse is able to examine the patient using technology and peripherals that are equal or superior to an examination done personally by a provider within that provider's standard of care; or
  4. The provider is able to examine the patient using technology and peripherals that are equal or superior to an examination done personally by a provider within that provider's standard of care.

Georgia telemedicine regulations do not specify a required telemedicine modality and do not explicitly require the use of real-time audio-video technology for all telemedicine services.



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3. **Conduct Annual In-Person Follow-Up Exam.** The telemedicine provider must make diligent efforts to have the patient seen and examined in-person by a Georgia-licensed physician, PA or APRN at least once a year.
4. **Reinforce Standard of Care Obligations.** The telemedicine rules in Georgia explicitly require that a physician using telemedicine will be held to the same standard of care as a physician that is using traditional in-person methods.
5. **Consider Telemedicine Prescribing.** In Georgia, it is considered unprofessional conduct if a physician prescribes controlled substances and/or dangerous drugs for a patient based solely on a consultation via telemedicine with the patient, patient's guardian, or patient's agent. The state also bans prescribing controlled substances via telemedicine for the treatment of pain or chronic pain. Telemedicine prescribers must be mindful of prescribing requirements under federal laws, as telemedicine prescribing of controlled substances is also governed by the [Ryan Haight Act](#).
6. **Supervise Non-Physician Health Care Providers.** Georgia physicians may rely upon or delegate the provision of telemedicine services to a non-physician health care provider (NP or PA) if the physician documents to the Board that that the provision of care by telemedicine is in his or her scope of practice, the NP or PA has demonstrated competence in the provision of care by telemedicine, and all other applicable laws and rules are met.
7. **Maintain Patient Records.** In Georgia, the telemedicine provider must have the patient's medical history available at the time of the consult. The provider must maintain patient records of the encounter and must document the evaluation and treatment. If there is a referring practitioner, the telemedicine provider must send a copy of this record to the referring practitioner.
8. **Provide Patients with Information.** The patient must receive the telemedicine provider's credentials and emergency contact information. The patient must also receive clear instructions on follow-up in the event the patient needs emergency care related to the telemedicine treatment.
9. **Explore Insurance Coverage of Telehealth Services.** Georgia is among the majority of states to have enacted a telehealth commercial insurance coverage law. Under the law, every health benefit policy that is issued, amended, or renewed must include payment for services that are covered under such health benefit policy and are appropriately provided through telemedicine in accordance with Code Section 43-34-31 and generally accepted health care practices and standards prevailing in the applicable professional community at the time the services were provided. The coverage required may be subject to all terms and conditions of the applicable health benefit plan. Georgia law does not contain payment parity language requiring health plans to pay providers for telehealth services at the same or equivalent reimbursement rate for identical in-person services.
10. **Look to New Medicare Telehealth Reimbursement Opportunities.** Georgia providers should also consider the [new Medicare telehealth reimbursement opportunities](#) signed into law under the federal funding bill. Continued expansion in coverage and reimbursement, including [remote patient monitoring](#), means providers can enhance telehealth offerings, both for the immediate cost savings and growing opportunities for revenue generation, to say nothing of patient quality and satisfaction.

Providers looking to enter the Georgia market must understand and navigate these interesting laws on telemedicine licensing, practices standards, controlled substances, and reimbursement. We will continue to monitor Georgia for any rule changes that affect or improve telemedicine opportunities in the state.

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