

Telemedicine with Michigan Physicians and Florida Patients

Although different states define it differently, telemedicine generally refers to the practice of monitoring, advising, and treating patients remotely, often through a secure videoconferencing platform. Michigan's telemedicine statute grants physicians the right to treat patients located in Michigan through the use of electronic media – if the physician is licensed to practice medicine in Michigan. But what if the physician is in Michigan and the patient is elsewhere? A patient is typically considered to be treated in the state where the patient is located, even when the patient receives health care services from a physician located elsewhere. Therefore, a physician located in Michigan will need to comply with the laws of the state in which the patient is physically located.

For example, to treat a patient in Florida remotely, a physician in Michigan must comply with Florida law. Florida's telemedicine ("telehealth") statute permits a health care professional who is not licensed in Florida to provide health care services via telemedicine if the physician registers with the applicable board or department. Florida Statute 456.47. To register in Florida, the out-of-state physician must, among other things: 1) apply; 2) be actively licensed elsewhere in the US or a US territory; 3) be free of disciplinary actions relating to his or her license in the past 5 years; and 4) maintain professional liability insurance that covers out-of-state patients treated via telemedicine. Additionally, a physician in Michigan treating a patient in Florida via telemedicine must treat the patient in a manner consistent with the scope of his or her practice and the prevailing professional standard of practice applicable if the physician were treating the patient in-person in Florida. Fortunately for snowbirds who reside in Michigan but spend winters in Florida, Florida law specifically excludes phone calls and emails from the definition of "telehealth." Thus, physicians in Michigan do not require any special authorization to answer medical questions from their out-of-state patients when they call or email their Michigan physician from Florida.



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