

1 H.543

2 Introduced by Representatives Donahue of Northfield, Bancroft of Westford,
3 Briglin of Thetford, Dakin of Chester, Morris of Bennington,
4 Patt of Worcester, Poirier of Barre City, and Woodward of
5 Johnson

6 Referred to Committee on

7 Date:

8 Subject: Health; health insurance; telemedicine; health care providers

9 Statement of purpose of bill as introduced: This bill proposes to require
10 Medicaid and health insurance coverage for telemedicine services delivered in
11 or outside a health care facility by several types of health care providers.

12 An act relating to insurance coverage for telemedicine services delivered in
13 or outside a health care facility

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 8 V.S.A. § 4100k is amended to read:

16 § 4100k. COVERAGE OF TELEMEDICINE SERVICES

17 (a) All health insurance plans in this State shall provide coverage for
18 telemedicine services delivered by a health care provider to a patient in or
19 outside a health care facility to the same extent that the services would be
20 covered if they were provided through in-person consultation.

1 (b) A health insurance plan may charge a deductible, co-payment, or
2 coinsurance for a health care service provided through telemedicine so long as
3 it does not exceed the deductible, co-payment, or coinsurance applicable to an
4 in-person consultation.

5 (c) A health insurance plan may limit coverage to health care providers in
6 the plan's network and may require originating site health care providers to
7 document the reason the services are being provided by telemedicine rather
8 than in person. A health insurance plan shall not impose limitations on the
9 number of telemedicine consultations a covered person may receive that
10 exceed limitations otherwise placed on in-person covered services.

11 (d) Nothing in this section shall be construed to prohibit a health insurance
12 plan from providing coverage for only those services that are medically
13 necessary, subject to the terms and conditions of the covered person's policy.

14 (e) A health insurance plan may reimburse for teleophthalmology or
15 teledermatology provided by store and forward means and may require the
16 distant site health care provider to document the reason the services are being
17 provided by store and forward means.

18 (f) Nothing in this section shall be construed to require a health insurance
19 plan to reimburse the distant site health care provider if the distant site health
20 care provider has insufficient information to render an opinion.

1 (g) As used in this subchapter:

2 (1) “Health insurance plan” means any health insurance policy or health
3 benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well
4 as Medicaid and any other public health care assistance program offered or
5 administered by the State or by any subdivision or instrumentality of the State.
6 The term does not include policies or plans providing coverage for specified
7 disease or other limited benefit coverage.

8 (2) “Health care facility” shall have the same meaning as in 18 V.S.A.
9 § 9402.

10 (3) “Health care provider” means:

11 (A) a physician licensed pursuant to 26 V.S.A. chapter 23 or 33;

12 (B) a naturopathic physician licensed pursuant to 26 V.S.A.
13 chapter 81;

14 (C) an advanced practice registered nurse licensed pursuant to
15 26 V.S.A. chapter 28, subchapter 3;

16 (D) a physician assistance licensed pursuant to 26 V.S.A. chapter 31;

17 (E) a psychologist licensed pursuant to 26 V.S.A. chapter 55;

18 (F) a social worker licensed pursuant to 26 V.S.A. chapter 61;

19 (G) an alcohol and drug abuse counselor licensed pursuant to
20 26 V.S.A. chapter 62;

1 (H) a clinical mental health counselor licensed pursuant to 26 V.S.A.

2 chapter 65;

3 (I) a marriage and family therapist licensed pursuant to 26 V.S.A.

4 chapter 76; and

5 (J) a psychoanalyst licensed pursuant to 26 V.S.A. chapter 77.

6 (4) “Store and forward” means an asynchronous transmission of medical
7 information to be reviewed at a later date by a health care provider at a distant
8 site who is trained in the relevant specialty and by which the health care
9 provider at the distant site reviews the medical information without the patient
10 present in real time.

11 ~~(4)~~(5) “Telemedicine” means the delivery of health care services such as
12 diagnosis, consultation, or treatment through the use of live interactive audio
13 and video over a secure connection that complies with the requirements of the
14 Health Insurance Portability and Accountability Act of 1996, Public Law
15 104-191. Telemedicine does not include the use of audio-only telephone,
16 e-mail, or facsimile.

17 Sec. 2. REPEAL

18 33 V.S.A. § 1901i (Medicaid coverage for primary care telemedicine) is
19 repealed.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on October 1, 2016 and shall apply to Medicaid on
3 that date and to all other health insurance plans on or after October 1, 2016 on
4 the date a health insurer issues, offers, or renews the health insurance plan, but
5 in no event later than October 1, 2017.