

S.50 - Section by section summary as passed by House
**An act relating to insurance coverage for telemedicine services
delivered in or outside a health care facility**

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Sec. 1. Health insurance coverage for services delivered through telemedicine

- As defined in current law, telemedicine is the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure, HIPAA-compliant connection
 - Telemedicine does not include use of audio-only telephone, e-mail, or fax
- Current law requires commercial health insurance plans to cover health care services delivered through telemedicine to the same extent as they cover services provided through in-person consultation as long as the patient is in a health care facility
- Current law also requires Medicaid to cover primary care services delivered through telemedicine to a patient outside a health care facility
- The bill would require commercial health insurance plans and Medicaid to cover all services covered under their plans when delivered through telemedicine, regardless of whether the patient is in a health care facility, at home, at work, or anywhere else
 - Connection still must be secure and HIPAA-compliant
 - The bill allows plans to cover only services that are both medically necessary and clinically appropriate for delivery through telemedicine

Sec. 2. Health care providers delivering services by telemedicine or store and forward

- The bill requires a health care provider delivering health care services through telemedicine to obtain and document a patient's oral or written informed consent before delivering services to the patient
- Informed consent must include:
 - An explanation of the differences between telemedicine and in-person delivery of services, including:
 - that there may be a qualitative difference in care based on potential differences in a patient's ability to establish a therapeutic rapport with the provider
 - that telemedicine provides different opportunities and challenges than in-person consultation, including the potential for differences in the degree and manner of the provider's visual observations of the patient
 - Informing the patient of his or her right to exclude anyone from participating in or watching the patient's consultation, from both the patient's side and the provider's side of the connection
 - Informing the patient the he or she can stop telemedicine at any time and ask for a referral for in-person services
 - Assurance that all services delivered through telemedicine will be over a secure, HIPAA-compliant connection
- For ongoing telemedicine services, informed consent must be obtained only the first time

- If a health care provider delivers telemedicine services through a contract with a third-party vendor, the provider must comply with the bill's informed consent provisions to the extent allowed under the contract
 - If the contract requires the provider to use the vendor's own informed consent provisions instead, the health care provider will be deemed to have complied with the bill's informed consent requirement by following the vendor's informed consent policies
- No informed consent is required for telemedicine for:
 - the second certification for involuntary inpatient mental health treatment
 - a psychiatrist's examination to determine whether a person is in need of inpatient hospitalization
- The bill prohibits both a health care provider and a patient from recording their telemedicine consultation

Sec. 3 - Repeal

- This section repeals the provision of current law requiring Medicaid coverage for primary care telemedicine outside a health care facility, which is included in the changes made by the bill

Sec. 4 - Effective dates

- The provisions on health insurance coverage for telemedicine take effect on October 1, 2017 and apply to Medicaid on that date and to all other plans on or after that date when the health insurer issues, offers, or renews the plan, but not later than October 1, 2018
- The provisions on health care providers providing telemedicine take effect on passage