

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 723  
3 entitled “An act relating to health insurance coverage for store-and-forward  
4 telemedicine” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. TELEHEALTH EXPANSION; LEGISLATIVE INTENT

8 It is the intent of the General Assembly to increase Vermonters’ access to  
9 health care services through an expansion of telehealth services without  
10 increasing social isolation or supplanting the role of local, community-based  
11 health care providers throughout rural Vermont.

12 Sec. 2. 8 V.S.A. § 4100k is amended to read:

13 § 4100k. COVERAGE OF HEALTH CARE SERVICES DELIVERED  
14 THROUGH TELEMEDICINE AND BY STORE-AND-  
15 FORWARD MEANS

16 (a)(1) All health insurance plans in this State shall provide coverage for  
17 health care services and dental services delivered through telemedicine by a  
18 health care provider at a distant site to a patient at an originating site to the  
19 same extent that the plan would cover the services if they were provided  
20 through in-person consultation.

1           (2)(A) A health insurance plan shall provide the same reimbursement  
2           rate for services billed using equivalent procedure codes and modifiers, subject  
3           to the terms of the health insurance plan and provider contract, regardless of  
4           whether the service was provided through an in-person visit with the health  
5           care provider or through telemedicine.

6           (B) The provisions of subdivision (A) of this subdivision (2) shall not  
7           apply to services provided pursuant to the health insurance plan’s contract with  
8           a third-party telemedicine vendor to provide health care or dental services.

9           (b) A health insurance plan may charge a deductible, co-payment, or  
10          coinsurance for a health care service or dental service provided through  
11          telemedicine ~~sø~~ as long as it does not exceed the deductible, co-payment, or  
12          coinsurance applicable to an in-person consultation.

13          (c) A health insurance plan may limit coverage to health care providers in  
14          the plan’s network. A health insurance plan shall not impose limitations on the  
15          number of telemedicine consultations a covered person may receive that  
16          exceed limitations otherwise placed on in-person covered services.

17          (d) Nothing in this section shall be construed to prohibit a health insurance  
18          plan from providing coverage for only those services that are medically  
19          necessary and are clinically appropriate for delivery through telemedicine,  
20          subject to the terms and conditions of the covered person’s policy.

1           (e) ~~A health insurance plan may reimburse for teleophthalmology or~~  
2           ~~tele dermatology provided by store and forward means and may require the~~  
3           ~~distant site health care provider to document the reason the services are being~~  
4           ~~provided by store and forward means~~

5           (1) A health insurance plan shall reimburse for health care services and  
6           dental services delivered by store-and-forward means.

7           (2) A health insurance plan shall not impose more than one cost-sharing  
8           requirement on a patient for receipt of health care services or dental services  
9           delivered by store-and-forward means. If the services would require cost-  
10          sharing under the terms of the patient’s health insurance plan, the plan may  
11          impose the cost-sharing requirement on the services of the originating site  
12          health care provider or of the distant site health care provider, but not both.

13          (f) A health insurer shall not construe a patient’s receipt of services  
14          delivered through telemedicine or by store-and-forward means as limiting in  
15          any way the patient’s ability to receive additional covered in-person services  
16          from the same or a different health care provider for diagnosis or treatment of  
17          the same condition.

18          (g) 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.



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(6) “Store and forward” means an asynchronous transmission of medical information, such as one or more video clips, audio clips, still images, x-rays, magnetic resonance imaging scans, electrocardiograms, electroencephalograms, or laboratory results, sent over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191 to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty ~~and by which.~~ In store and forward, the health care provider at the distant site reviews the medical information without the patient present in real time and communicates a care plan or treatment recommendation back to the patient or referring provider, or both.

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

1 Sec. 3. 18 V.S.A. § 9361 is amended to read:

2 § 9361. HEALTH CARE PROVIDERS DELIVERING HEALTH CARE  
3 SERVICES THROUGH TELEMEDICINE OR BY ~~STORE AND~~  
4 ~~FORWARD~~ STORE-AND-FORWARD MEANS

5 \* \* \*

6 (c)(1) A health care provider delivering health care services or dental  
7 services through telemedicine shall obtain and document a patient's oral or  
8 written informed consent for the use of telemedicine technology prior to  
9 delivering services to the patient.

10 (A) The informed consent for telemedicine services shall be provided  
11 in accordance with Vermont and national policies and guidelines on the  
12 appropriate use of telemedicine within the provider's profession and shall  
13 include, in language that patients can easily understand:

14 (i) an explanation of the opportunities and limitations of delivering  
15 health care services or dental services through telemedicine;

16 (ii) informing the patient of the presence of any other individual  
17 who will be participating in or observing the patient's consultation with the  
18 provider at the distant site and obtaining the patient's permission for the  
19 participation or observation; and

20 (iii) assurance that all services the health care provider delivers to  
21 the patient through telemedicine will be delivered over a secure connection that

1 complies with the requirements of the Health Insurance Portability and  
2 Accountability Act of 1996, Pub. L. No. 104-191.

3 \* \* \*

4 (e) ~~A patient receiving teleophthalmology or teledermatology by store and~~  
5 ~~forward means shall be informed of the right to receive a consultation with the~~  
6 ~~distant site health care provider and shall receive a consultation with the distant~~  
7 ~~site health care provider upon request. If requested, the consultation with the~~  
8 ~~distant site health care provider may occur either at the time of the initial~~  
9 ~~consultation or within a reasonable period of time following the patient's~~  
10 ~~notification of the results of the initial consultation. Receiving teledermatology~~  
11 ~~or teleophthalmology by store and forward means~~

12 (1) A patient receiving health care services or dental services by store-  
13 and-forward means shall be informed of the patient's right to refuse to receive  
14 services in this manner and to request services in an alternative format, such as  
15 through real-time telemedicine services or an in-person visit.

16 (2) Receipt of services by store-and-forward means shall not preclude a  
17 patient from receiving real-time real-time telemedicine or face-to-face services  
18 or an in-person visit with the distant site health care provider at a future date.

19 (3) Originating site health care providers involved in the store and  
20 forward store-and-forward process shall obtain informed consent from the  
21 patient as described in subsection (c) of this section.

1       Sec. 4. TELEMEDICINE REIMBURSEMENT; SUNSET

2           8 V.S.A. § 4100k(a)(2) (telemedicine reimbursement) is repealed on  
3       January 1, 2026.

4       Sec. 5. EFFECTIVE DATE

5           This act shall take effect on January 1, 2021.

6       and that after passage the title of the bill be amended to read: “An act relating  
7       to telehealth”

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14           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE