

HOUSE No. 1095

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey N. Roy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act enhancing access to telemedicine services.

PETITION OF:

NAME:

Jeffrey N. Roy

DISTRICT/ADDRESS:

10th Norfolk

HOUSE No. 1095

By Mr. Roy of Franklin, a petition (accompanied by bill, House, No. 1095) of Jeffrey N. Roy relative to coverage for telemedicine services. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act enhancing access to telemedicine services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby further amended by adding the
2 following section:-

3 Section 29. (a) For the purposes of this section, “telemedicine” shall mean the use of
4 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
5 patient's physical, oral or mental health; provided however, that “telemedicine” shall not include
6 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

7 (b) Coverage offered by the commission to an active or retired employee of the
8 commonwealth insured under the group insurance commission shall provide coverage for health
9 care services through the use of telemedicine by a contracted health care provider if (i) the health
10 care services are covered by way of in-person consultation or delivery and (ii) the health care
11 services may be appropriately provided through the use of telemedicine.

12 (c) Coverage for telemedicine services may include utilization review, including
13 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
14 health care service; provided that, the same process is utilized as if the service was provided via
15 in-person consultation or delivery.

16 (d) Coverage for telemedicine services shall not be required to reimburse a health care
17 provider for a health care service that is not a covered benefit under the plan nor reimburse a
18 health care provider not contracted under the plan.

19 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
20 chapter 6D, shall account for the provision of telemedicine services to set the global payment
21 amount

22 (f) Coverage for telemedicine services may include a deductible, copayment or
23 coinsurance requirement for a health care service provided through telemedicine as long as the
24 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
25 applicable to an in-person consultation or in-person delivery of services.

26 (g) A health care provider shall not be required to document a barrier to an in-person
27 visit, nor shall the type of setting where telemedicine is provided be limited for health care
28 services provided through telemedicine.

29 (h) Health care services provided by telemedicine shall conform to the standards of care
30 applicable to the telemedicine provider's profession and specialty. Such services shall also
31 conform to applicable federal and state health information privacy and security standards as well
32 as standards for informed consent.

33 SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after
34 section 5N the following section:-

35 Section 5O. (a) For the purposes of this section, “telemedicine” shall mean the use of
36 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
37 patient's physical, oral or mental health; provided however, that “telemedicine” shall not include
38 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

39 (b) Notwithstanding any other provision of this chapter, the board shall allow a physician
40 licensed by the board to obtain proxy credentialing and privileging for telemedicine services with
41 other health care providers, as defined in section 1 of chapter 111, or facilities consistent with
42 Medicare conditions of participation telemedicine standards.

43 (c) The board shall promulgate regulations regarding the appropriate use of telemedicine
44 to provide health care services. These regulations shall provide for and include, but shall not be
45 limited to: (i) prescribing medications; (ii) services that are not appropriate to provide through
46 telemedicine; (iii) establishing a patient-provider relationship; (iv) consumer protections; and (v)
47 ensuring that services comply with appropriate standards of care.

48 SECTION 3. Chapter 118E of the General Laws is hereby amended by adding the
49 following section:-

50 Section 79. (a) For the purposes of this section, “telemedicine” shall mean the use of
51 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
52 patient's physical, oral or mental health; provided however, that “telemedicine” shall not include
53 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

54 (b) The division and its contracted health insurers, health plans, health maintenance
55 organizations, behavioral health management firms and third party administrators under contract
56 to a Medicaid managed care organization or primary care clinician plan may provide coverage
57 for health care services through the use of telemedicine by a contracted health care provider if (i)
58 the health care services are covered by way of in-person consultation or delivery and (ii) the
59 health care services may be appropriately provided through the use of telemedicine.

60 (c) Coverage for telemedicine services may include utilization review, including
61 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
62 health care service, provided that the same process is utilized as if the service was provided via
63 in-person consultation or delivery.

64 (d) Coverage for telemedicine services shall not be required to reimburse a health care
65 provider for a health care service that is not a covered benefit under the plan nor reimburse a
66 health care provider not contracted under the plan.

67 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
68 chapter 6D, shall account for the provision of telemedicine services to set the global payment
69 amount.

70 (f) Coverage for telemedicine services may include a deductible, copayment or
71 coinsurance requirement for a health care service provided through telemedicine as long as the
72 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
73 applicable to an in-person consultation or in-person delivery of services.

74 (g) A health care provider shall not be required to document a barrier to an in-person
75 visit, nor shall the type of setting where telemedicine is provided be limited for health care
76 services provided through telemedicine.

77 (h) Health care services provided by telemedicine shall conform to the standards of care
78 applicable to the telemedicine provider's profession and specialty. Such services shall also
79 conform to applicable federal and state health information privacy and security standards as well
80 as standards for informed consent.

81 SECTION 4. Section 47BB of chapter 175 of the General Laws is hereby repealed.

82 SECTION 5. Said chapter 175 is hereby further amended by inserting after section 47KK
83 the following section:-

84 Section 47LL. (a) For the purposes of this section, "telemedicine" shall mean the use of
85 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
86 patient's physical, oral or mental health; provided however, that "telemedicine" shall not include
87 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

88 (b) An individual policy of accident and sickness insurance issued under section 108 that
89 provides hospital expense and surgical expense insurance and any group blanket or general
90 policy of accident and sickness insurance issued under section 110 that provides hospital expense
91 and surgical expense insurance which is issued or renewed within or without the commonwealth,
92 shall not decline to provide coverage for health care services solely on the basis that those
93 services were delivered through the use of telemedicine by a contracted health care provider if (i)
94 the health care services are covered by way of in-person consultation or delivery and (ii) the
95 health care services may be appropriately provided through the use of telemedicine.

96 (c) Coverage for telemedicine services may include utilization review, including
97 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
98 health care service, provided that the same process is utilized as if the service was provided via
99 in-person consultation or delivery.

100 (d) Coverage for telemedicine services shall not be required to reimburse a health care
101 provider for a health care service that is not a covered benefit under the plan nor reimburse a
102 health care provider not contracted under the plan.

103 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
104 chapter 6D, shall account for the provision of telemedicine services to set the global payment
105 amount.

106 (f) Coverage for telemedicine services may include a deductible, copayment or
107 coinsurance requirement for a health care service provided through telemedicine as long as the
108 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
109 applicable to an in-person consultation or in-person delivery of services.

110 (g) A health care provider shall not be required to document a barrier to an in-person
111 visit, nor shall the type of setting where telemedicine is provided be limited for health care
112 services provided through telemedicine.

113 (h) Health care services provided by telemedicine shall conform to the standards of care
114 applicable to the telemedicine provider's profession. Such services shall also conform to
115 applicable federal and state health information privacy and security standards as well as
116 standards for informed consent.

117 SECTION 6. Chapter 176A of the General Laws is hereby amended by adding the
118 following section:-

119 Section 38. (a) For the purposes of this section, “telemedicine” shall mean the use of
120 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
121 patient's physical, oral or mental health; provided however, that “telemedicine” shall not include
122 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

123 (b) A contract between a subscriber and a nonprofit hospital service corporation under an
124 individual or group hospital service plan shall not decline to provide coverage for health care
125 services solely on the basis that those services were delivered by way of telemedicine by a
126 contracted health care provider if (i) the health care services are covered by way of in-person
127 consultation or delivery and (ii) the health care services may be appropriately provided through
128 the use of telemedicine.

129 (c) Coverage for telemedicine services may include utilization review, including
130 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
131 health care service, provided that the same process is utilized as if the service was provided via
132 in-person consultation or delivery.

133 (d) Coverage for telemedicine services shall not be required to reimburse a health care
134 provider for a health care service that is not a covered benefit under the plan nor reimburse a
135 health care provider not contracted under the plan.

136 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
137 chapter 6D, shall account for the provision of telemedicine services to set the global payment
138 amount.

139 (f) Coverage for telemedicine services may include a deductible, copayment or
140 coinsurance requirement for a health care service provided through telemedicine as long as the
141 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
142 applicable to an in-person consultation or in-person delivery of services.

143 (g) A health care provider shall not be required to document a barrier to an in-person
144 visit, nor shall the type of setting where telemedicine is provided be limited for health care
145 services provided through telemedicine.

146 (h) Health care services provided by telemedicine shall conform to the standards of care
147 applicable to the telemedicine provider's profession and specialty. Such services shall also
148 conform to applicable federal and state health information privacy and security standards as well
149 as standards for informed consent.

150 SECTION 7. Chapter 176B of the General Laws is hereby amended by adding the
151 following section:-

152 Section 25. (a) For the purposes of this section, "telemedicine" shall mean the use of
153 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
154 patient's physical, oral or mental health; provided, however, that "telemedicine" shall not include
155 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

156 (b) A contract between a subscriber and a medical service corporation shall not decline to
157 provide coverage for health care services solely on the basis that those services were delivered
158 by way of telemedicine by a contracted health care provider if (i) the health care services are
159 covered by way of in-person consultation or delivery and (ii) the health care services may be
160 appropriately provided through the use of telemedicine.

161 (c) Coverage for telemedicine services may include utilization review, including
162 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
163 health care service, provided that the same process is utilized as if the service was provided via
164 in-person consultation or delivery.

165 (d) Coverage for telemedicine services shall not be required to reimburse a health care
166 provider for a health care service that is not a covered benefit under the plan nor reimburse a
167 health care provider not contracted under the plan.

168 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
169 chapter 6D, shall account for the provision of telemedicine services to set the global payment
170 amount.

171 (f) Coverage for telemedicine services may include a deductible, copayment or
172 coinsurance requirement for a health care service provided through telemedicine as long as the
173 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
174 applicable to an in-person consultation or in-person delivery of services.

175 (g) A health care provider shall not be required to document a barrier to an in-person
176 visit, nor shall the type of setting where telemedicine is provided be limited for health care
177 services provided through telemedicine.

178 (h) Health care services provided by telemedicine shall conform to the standards of care
179 applicable to the telemedicine provider's profession and specialty. Such services shall also
180 conform to applicable federal and state health information privacy and security standards as well
181 as standards for informed consent.

182 SECTION 8. Chapter 176G of the General Laws is hereby amended by adding the
183 following section:-

184 Section 33. (a) For the purposes of this section, “telemedicine” shall mean the use of
185 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
186 patient's physical, oral or mental health; provided however, that “telemedicine” shall not include
187 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

188 (b) A contract between a member and a health maintenance organization shall not decline
189 to provide coverage for health care services solely on the basis that those services were delivered
190 by way of telemedicine by a contracted health care provider if (i) the health care services are
191 covered by way of in-person consultation or delivery and (ii) the health care services may be
192 appropriately provided through the use of telemedicine.

193 (c) Coverage for telemedicine services may include utilization review, including
194 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
195 health care service; provided that the same process is utilized as if the service was provided via
196 in-person consultation or delivery.

197 (d) Coverage for telemedicine services shall not be required to reimburse a health care
198 provider for a health care service that is not a covered benefit under the plan nor reimburse a
199 health care provider not contracted under the plan.

200 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
201 chapter 6D, shall account for the provision of telemedicine services to set the global payment
202 amount.

203 (f) Coverage for telemedicine services may include a deductible, copayment or
204 coinsurance requirement for a health care service provided through telemedicine as long as the
205 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
206 applicable to an in-person consultation or in-person delivery of services.

207 (g) A health care provider shall not be required to document a barrier to an in-person
208 visit, nor shall the type of setting where telemedicine is provided be limited for health care
209 services provided through telemedicine.

210 (h) Health care services provided by telemedicine shall conform to the standards of care
211 applicable to the telemedicine provider's profession and specialty. Such services shall also
212 conform to applicable federal and state health information privacy and security standards as well
213 as standards for informed consent.

214 SECTION 9. Chapter 176I of the General Laws is hereby amended by adding the
215 following section:-

216 Section 13. (a) For the purposes of this section, "telemedicine" shall mean the use of
217 interactive audio, video or other electronic media for diagnosis, consultation and treatment of a
218 patient's physical, oral or mental health; provided however, that "telemedicine" shall not include
219 audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

220 (b) A preferred provider arrangement shall not decline to provide coverage for health care
221 services solely on the basis that those services were delivered by way of telemedicine by a
222 contracted health care provider if: (i) the health care services are covered by way of in-person
223 consultation or delivery; and (ii) the health care services may be appropriately provided through
224 the use of telemedicine.

225 (c) Coverage for telemedicine services may include utilization review, including
226 preauthorization, to determine the appropriateness of telemedicine as a means of delivering a
227 health care service, provided that the same process is utilized as if the service was provided via
228 in-person consultation or delivery.

229 (d) Coverage for telemedicine services shall not be required to reimburse a health care
230 provider for a health care service that is not a covered benefit under the plan nor reimburse a
231 health care provider not contracted under the plan.

232 (e) Coverage that reimburses a provider with a global payment, as defined in section 1 of
233 chapter 6D, shall account for the provision of telemedicine services to set the global payment
234 amount.

235 (f) Coverage for telemedicine services may include a deductible, copayment or
236 coinsurance requirement for a health care service provided through telemedicine as long as the
237 deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance
238 applicable to an in-person consultation or in-person delivery of services.

239 (g) A health care provider shall not be required to document a barrier to an in-person
240 visit, nor shall the type of setting where telemedicine is provided be limited for health care
241 services provided through telemedicine.

242 (h) Health care services provided by telemedicine shall conform to the standards of care
243 applicable to the telemedicine provider's profession and specialty. Such services shall also
244 conform to applicable federal and state health information privacy and security standards as well
245 as standards for informed consent.