SENATE DOCKET, NO. 24 FILED ON: 1/7/2011

SENATE . . . . . No. 521

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 passage of the accompanying:

An Act relative to telemedicine .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 24 FILED ON: 1/7/2011

SENATE . . . . . No. 521

By Mr. Moore, a petition (accompanied by bill, Senate, No. 521) of Michael O. Moore for legislation relative to telemedicine . Health Care Financing.

The Commonwealth of Massachusetts

An Act relative to telemedicine .

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

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

Section 26. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare services issued, delivered, issued for delivery, executed, or renewed in this state, including, but not limited to, those contracts executed by the Commonwealth on behalf of state employees.

"Insurer", an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, managed care entity, or any similar entity authorized to issue contracts under this title or to provide health benefit policies.

"Telemedicine", the use of audio, video or other electronic media for the purpose of diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services. Telemedicine does not include the use of audio only telephone or facsimile.

(b) The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission benefits on a nondiscriminatory basis for the application of telemedicine for covered services provided within the scope of practice of a physician or health care provider as a method of delivery of medical care by which an individual shall receive medical services from a health care provider without in person contact with the provider.

(c) The commission may not deny coverage of the sole basis that the coverage is provided through telemedicine if the health care service would be covered if it were provided through in-person consultation between the covered person and a health care provider.

23 (d) Nothing in this section shall prohibit an insurer from providing coverage for
24 only those services that are medically necessary and subject to the terms and conditions of the
25 covered person's policy.

26 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting
27 after section 47AA the following section:-

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

30 Section 26. (a) As used in this section the following words shall, unless the
31 context clearly requires otherwise, have the following meanings:-

32 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
33 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
34 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

35 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
36 corporation, medical service corporation, health care corporation, managed care entity, or any
37 similar entity authorized to issue contracts under this title or to provide health benefit policies.

38 "Telemedicine", the use of audio, video or other electronic media for the purpose of
39 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
40 Telemedicine does not include the use of audio only telephone or facsimile.

41 (b) The commission shall provide to an active or retired employee of the
42 commonwealth who is insured under the group insurance commission benefits on a
43 nondiscriminatory basis for the application of telemedicine for covered services provided within
44 the scope of practice of a physician or health care provider as a method of delivery of medical
45 care by which an individual shall receive medical services from a health care provider without in
46 person contact with the provider.

47 (c) The commission may not deny coverage of the sole basis that the coverage
48 is provided through telemedicine if the health care service would be covered if it were provided
49 through in-person consultation between the covered person and a health care provider.

50 (d) Nothing in this section shall prohibit an insurer from providing coverage for
51 only those services that are medically necessary and subject to the terms and conditions of the
52 covered person's policy.

53 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting
54 after section 47AA the following section:-

55 Section 47BB. (a) As used in this section the following words shall, unless the context
56 clearly requires otherwise, have the following meanings:-

57 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare
58 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
59 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

60 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
61 corporation, medical service corporation, health care corporation, managed care entity, or any
62 similar entity authorized to issue contracts under this title or to provide health benefit policies.

63 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
64 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
65 Telemedicine does not include the use of audio only telephone or facsimile.

66 (b) An individual policy of accident and sickness insurance issued under
67 section 108 that provides hospital expense and surgical expense insurance and any group blanket
68 or general policy of accident and sickness insurance issued under section 110 that provides
69 hospital expense and surgical expense insurance, which is issued or renewed within or without
70 the commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the
71 commonwealth and to all policyholders having a principal place of employment in the
72 commonwealth for the application of telemedicine for covered services provided within the
73 scope of practice of a physician or health care provider as a method of delivery of medical care
74 by which an individual shall receive medical services from a health care provider without in
75 person contact with the provider.

76 (c) The commission may not deny coverage of the sole basis that the coverage
77 is provided through telemedicine if the health care service would be covered if it were provided
78 through in-person consultation between the covered person and a health care provider.

79 (d) Nothing in this section shall prohibit an insurer from providing coverage for
80 only those services that are medically necessary and subject to the terms and conditions of the
81 covered person’s policy.

82 SECTION 3. Chapter 176A of the General Laws is hereby amended by
83 inserting after section 8DD the following section:-

84 Section 8EE. (a) As used in this section the following words shall, unless the
85 context clearly requires otherwise, have the following meanings:-

86 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare
87 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
88 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

89 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
90 corporation, medical service corporation, health care corporation, managed care entity, or any
91 similar entity authorized to issue contracts under this title or to provide health benefit policies.

92 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
93 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
94 Telemedicine does not include the use of audio only telephone or facsimile.

95 (b) A contract between a subscriber and the corporation under an individual or
96 group hospital service plan which is issued or renewed within or without the commonwealth
97 shall provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all
98 policyholders having a principal place of employment in the commonwealth for the application
99 of telemedicine for covered services provided within the scope of practice of a physician or
100 health care provider as a method of delivery of medical care by which an individual shall receive
101 medical services from a health care provider without in person contact with the provider.

102 (c) The commission may not deny coverage of the sole basis that the coverage
103 is provided through telemedicine if the health care service would be covered if it were provided
104 through in-person consultation between the covered person and a health care provider.

105 (d) Nothing in this section shall prohibit an insurer from providing coverage for
106 only those services that are medically necessary and subject to the terms and conditions of the
107 covered person’s policy.

108 SECTION 4. Chapter 176B of the General Laws is hereby amended by
109 inserting after section 4DD the following section:-

110 Section 4EE. (a) As used in this section the following words shall, unless the
111 context clearly requires otherwise, have the following meanings:-

112 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare
113 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
114 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

115 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
116 corporation, medical service corporation, health care corporation, managed care entity, or any
117 similar entity authorized to issue contracts under this title or to provide health benefit policies.

118 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
119 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
120 Telemedicine does not include the use of audio only telephone or facsimile.

121 (b) A subscription certificate under an individual or group medical service
122 agreement which is issued or renewed within or without the commonwealth shall provide
123 benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders
124 having a principal place of employment in the commonwealth for the application of telemedicine
125 for covered services provided within the scope of practice of a physician or health care provider

126 as a method of delivery of medical care by which an individual shall receive medical services
127 from a health care provider without in person contact with the provider.

128 (c) The commission may not deny coverage of the sole basis that the coverage
129 is provided through telemedicine if the health care service would be covered if it were provided
130 through in-person consultation between the covered person and a health care provider.

131 (d) Nothing in this section shall prohibit an insurer from providing coverage for
132 only those services that are medically necessary and subject to the terms and conditions of the
133 covered person's policy.

134 SECTION 5. Chapter 176G of the General Laws is hereby amended by
135 inserting after section 4V the following section:-

136 Section 4W. (a) As used in this section the following words shall, unless the
137 context clearly requires otherwise, have the following meanings:-

138 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
139 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
140 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

141 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
142 corporation, medical service corporation, health care corporation, managed care entity, or any
143 similar entity authorized to issue contracts under this title or to provide health benefit policies.

144 "Telemedicine", the use of audio, video or other electronic media for the purpose of
145 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
146 Telemedicine does not include the use of audio only telephone or facsimile.

147 (b) A health maintenance contract issued or renewed within or without the
148 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the
149 commonwealth and to all policyholders having a principal place of employment in the
150 commonwealth for the application of telemedicine for covered services provided within the
151 scope of practice of a physician or health care provider as a method of delivery of medical care
152 by which an individual shall receive medical services from a health care provider without in
153 person contact with the provider.

154 (c) The commission may not deny coverage of the sole basis that the coverage
155 is provided through telemedicine if the health care service would be covered if it were provided
156 through in-person consultation between the covered person and a health care provider.

157 (d) Nothing in this section shall prohibit an insurer from providing coverage for
158 only those services that are medically necessary and subject to the terms and conditions of the
159 covered person's policy.

160 SECTION 6. All policies, contracts and certificates of health insurance subject
161 to section 25 of chapter 32A, section 47AA of chapter 175, section 8DD of chapter 176A,
162 section 4CC of chapter 176B, and section 4V of chapter 176G of the General Laws which are
163 delivered, issued or renewed on or after January 1, 2011 shall conform with the provisions of this
164 act. Form filings implementing this act shall be subject to the approval of the commissioner of
165 insurance.

166 SECTION 7. This act shall take effect on January 1, 2012.

167 Section 47BB. (a) As used in this section the following words shall, unless the
168 context clearly requires otherwise, have the following meanings:-

169 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
170 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
171 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

172 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
173 corporation, medical service corporation, health care corporation, managed care entity, or any
174 similar entity authorized to issue contracts under this title or to provide health benefit policies.

175 "Telemedicine", the use of audio, video or other electronic media for the purpose of
176 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
177 Telemedicine does not include the use of audio only telephone or facsimile.

178 (b) An individual policy of accident and sickness insurance issued under
179 section 108 that provides hospital expense and surgical expense insurance and any group blanket
180 or general policy of accident and sickness insurance issued under section 110 that provides
181 hospital expense and surgical expense insurance, which is issued or renewed within or without
182 the commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the
183 commonwealth and to all policyholders having a principal place of employment in the
184 commonwealth for the application of telemedicine for covered services provided within the
185 scope of practice of a physician or health care provider as a method of delivery of medical care
186 by which an individual shall receive medical services from a health care provider without in
187 person contact with the provider.

188 (c) The commission may not deny coverage of the sole basis that the coverage
189 is provided through telemedicine if the health care service would be covered if it were provided
190 through in-person consultation between the covered person and a health care provider.

191 (d) Nothing in this section shall prohibit an insurer from providing coverage for
192 only those services that are medically necessary and subject to the terms and conditions of the
193 covered person's policy.

194 SECTION 3. Chapter 176A of the General Laws is hereby amended by
195 inserting after section 8DD the following section:-

196 Section 8EE. (a) As used in this section the following words shall, unless the
197 context clearly requires otherwise, have the following meanings:-

198 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
199 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
200 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

201 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
202 corporation, medical service corporation, health care corporation, managed care entity, or any
203 similar entity authorized to issue contracts under this title or to provide health benefit policies.

204 "Telemedicine", the use of audio, video or other electronic media for the purpose of
205 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
206 Telemedicine does not include the use of audio only telephone or facsimile.

207 (b) A contract between a subscriber and the corporation under an individual or
208 group hospital service plan which is issued or renewed within or without the commonwealth
209 shall provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all
210 policyholders having a principal place of employment in the commonwealth for the application
211 of telemedicine for covered services provided within the scope of practice of a physician or
212 health care provider as a method of delivery of medical care by which an individual shall receive
213 medical services from a health care provider without in person contact with the provider.

214 (c) The commission may not deny coverage of the sole basis that the coverage
215 is provided through telemedicine if the health care service would be covered if it were provided
216 through in-person consultation between the covered person and a health care provider.

217 (d) Nothing in this section shall prohibit an insurer from providing coverage for
218 only those services that are medically necessary and subject to the terms and conditions of the
219 covered person's policy.

220 SECTION 4. Chapter 176B of the General Laws is hereby amended by
221 inserting after section 4DD the following section:-

222 Section 4EE. (a) As used in this section the following words shall, unless the
223 context clearly requires otherwise, have the following meanings:-

224 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
225 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
226 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

227 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
228 corporation, medical service corporation, health care corporation, managed care entity, or any
229 similar entity authorized to issue contracts under this title or to provide health benefit policies.

230 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
231 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
232 Telemedicine does not include the use of audio only telephone or facsimile.

233 (b) A subscription certificate under an individual or group medical service
234 agreement which is issued or renewed within or without the commonwealth shall provide
235 benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders
236 having a principal place of employment in the commonwealth for the application of telemedicine
237 for covered services provided within the scope of practice of a physician or health care provider
238 as a method of delivery of medical care by which an individual shall receive medical services
239 from a health care provider without in person contact with the provider.

240 (c) The commission may not deny coverage of the sole basis that the coverage
241 is provided through telemedicine if the health care service would be covered if it were provided
242 through in-person consultation between the covered person and a health care provider.

243 (d) Nothing in this section shall prohibit an insurer from providing coverage for
244 only those services that are medically necessary and subject to the terms and conditions of the
245 covered person’s policy.

246 SECTION 5. Chapter 176G of the General Laws is hereby amended by
247 inserting after section 4V the following section:-

248 Section 4W. (a) As used in this section the following words shall, unless the
249 context clearly requires otherwise, have the following meanings:-

250 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare
251 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
252 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

253 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
254 corporation, medical service corporation, health care corporation, managed care entity, or any
255 similar entity authorized to issue contracts under this title or to provide health benefit policies.

256 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
257 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
258 Telemedicine does not include the use of audio only telephone or facsimile.

259 (b) A health maintenance contract issued or renewed within or without the
260 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the

261 commonwealth and to all policyholders having a principal place of employment in the
262 commonwealth for the application of telemedicine for covered services provided within the
263 scope of practice of a physician or health care provider as a method of delivery of medical care
264 by which an individual shall receive medical services from a health care provider without in
265 person contact with the provider.

266 (c) The commission may not deny coverage of the sole basis that the coverage
267 is provided through telemedicine if the health care service would be covered if it were provided
268 through in-person consultation between the covered person and a health care provider.

269 (d) Nothing in this section shall prohibit an insurer from providing coverage for
270 only those services that are medically necessary and subject to the terms and conditions of the
271 covered person's policy.

272 SECTION 6. All policies, contracts and certificates of health insurance subject
273 to section 25 of chapter 32A, section 47AA of chapter 175, section 8DD of chapter 176A,
274 section 4CC of chapter 176B, and section 4V of chapter 176G of the General Laws which are
275 delivered, issued or renewed on or after January 1, 2011 shall conform with the provisions of this
276 act. Form filings implementing this act shall be subject to the approval of the commissioner of
277 insurance.

278 SECTION 7. This act shall take effect on January 1, 2012.