

**HOUSE . . . . . No. 4442**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act advancing and expanding 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, as appearing in the 2014 official edition,  
2 is hereby amended by adding at the end the following new section:

3           Section 28: Notwithstanding any general or special law or rule or regulation to the  
4 contrary, the Group Insurance Commission and any carrier, as defined in Section 1 of Chapter  
5 176O of the general laws or other entity which contracts with the Commission to provide health  
6 benefits to eligible Employees and Retirees and their eligible dependents, may provide coverage  
7 for health care services appropriately provided through the use of telemedicine by a contracted  
8 health care provider. For the purposes of this section, “telemedicine” shall mean the use of  
9 interactive audio, video or other electronic media for the purpose of diagnosis, consultation, and  
10 treatment of a patient's physical and mental health. Telemedicine shall not include audio-only  
11 telephone, facsimile machine, online questionnaires, texting or text-only e-mail.

12           A carrier may undertake utilization review, including preauthorization, to determine the  
13 appropriateness of telemedicine as a means of delivering a health care service, provided that the

14 determinations shall be made in the same manner as those regarding the same service when it is  
15 delivered in person. A carrier is not required to reimburse a health care provider for a health care  
16 service that is not a covered benefit under the plan nor reimburse a health care provider when the  
17 provider is not a contracted provider under the plan.

18 For health care services provided through telemedicine, a health care provider shall not  
19 be required to document a barrier to an in-person visit, nor shall the type of setting where  
20 telemedicine is provided be limited.

21 A contract that provides coverage for telemedicine services may contain a provision for a  
22 deductible, copayment or coinsurance requirement for a health care service provided through  
23 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,  
24 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
25 services.

26 Health care services provided by telemedicine shall conform to the standards of care  
27 applicable to the telemedicine provider's profession. Such services shall also conform to  
28 applicable federal and state health information privacy and security standards as well as  
29 standards for informed consent.

30 SECTION 2. Section 2 of Chapter 112 of the General Laws, as appearing in the 2014  
31 Official Edition, is hereby amended by inserting at the end thereof the following:

32 Notwithstanding any other provision of this chapter, the board shall allow Massachusetts  
33 licensed physicians to obtain proxy credentialing and privileging for telemedicine services with  
34 other healthcare providers as defined in Section 1 of Chapter 111 of the general laws or facilities  
35 consistent with federal Medicare Conditions of Participation telemedicine standards.

36 The board shall promulgate regulations regarding the appropriate use of telemedicine to  
37 provide health care services. These regulations shall include but not be limited to the following:  
38 a) prescribing medications, b) services that are not appropriate to provide through telemedicine;  
39 c) establishing a patient-provider relationship; d) protections for consumers; and e) ensuring  
40 services comply with appropriate standards of care.

41 For the purposes of this section, “telemedicine” shall mean the use of audio, video or  
42 other electronic media for the purpose of diagnosis, consultation, and treatment of a patient's  
43 physical and mental health. Telemedicine shall not include audio-only telephone, facsimile  
44 machine, online questionnaires, texting or text-only e-mail.

45 SECTION 3. Section 118E of the General Laws, as appearing in the 2014 Official  
46 Edition, is hereby amended by inserting at the end thereof the following new section:

47 Section 78. Notwithstanding any general or special law or rule or regulation to the  
48 contrary, the division and its contracted health insurers, health plans, health maintenance  
49 organizations, behavioral health management firms and third party administrators under contract  
50 to a Medicaid managed care organization or primary care clinician plan may provide coverage  
51 for health care services appropriately provided through telemedicine by a contracted provider.

52 For the purposes of this section, “telemedicine” shall mean the use of interactive audio, video or  
53 other electronic media for the purpose of diagnosis, consultation, and treatment of a patient's  
54 physical and mental health. Telemedicine shall not include audio-only telephone, facsimile  
55 machine, online questionnaires, texting or text-only e-mail.

56 The division may undertake utilization review, including preauthorization, to determine  
57 the appropriateness of telemedicine as a means of delivering a health care service, provided that

58 the determinations shall be made in the same manner as those regarding the same service when it  
59 is delivered in person. A carrier is not required to reimburse a health care provider for a health  
60 care service that is not a covered benefit under the plan nor reimburse a health care provider  
61 when the provider is not a contracted provider under the plan.

62 For health care services provided through telemedicine, a health care provider shall not  
63 be required to document a barrier to an in-person visit, nor shall the type of setting where  
64 telemedicine is provided be limited.

65 A contract that provides coverage for telemedicine services may contain a provision for a  
66 deductible, copayment or coinsurance requirement for a health care service provided through  
67 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,  
68 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
69 services.

70 Health care services provided by telemedicine shall conform to the standards of care  
71 applicable to the telemedicine provider's profession. Such services shall also conform to  
72 applicable federal and state health information privacy and security standards as well as  
73 standards for informed consent.

74 SECTION 4. Section 47BB of chapter 175 of the General Laws, as most recently added  
75 by Section 158 of Chapter 224 of the Acts of 2012, is hereby amended by striking subsections  
76 (a)-(d) and replacing it with the following: Notwithstanding any general or special law or rule  
77 or regulation to the contrary, an insurer may provide for coverage for health care services under  
78 an individual, group, or general policy of accident and sickness insurance to an insured  
79 appropriately provided through the use of telemedicine by a contracted health care provider. For

80 the purposes of this section, “telemedicine” shall mean the use of interactive audio, video or  
81 other electronic media for the purpose of diagnosis, consultation, and treatment of a patient's  
82 physical and mental health. Telemedicine shall not include audio-only telephone, facsimile  
83 machine, online questionnaires, texting or text-only e-mail.

84 A carrier may undertake utilization review, including preauthorization, to determine the  
85 appropriateness of telemedicine as a means of delivering a health care service, provided that the  
86 determinations shall be made in the same manner as those regarding the same service when it is  
87 delivered in person. A carrier is not required to reimburse a health care provider for a health care  
88 service that is not a covered benefit under the plan nor reimburse a health care provider when the  
89 provider is not a contracted provider under the plan.

90 For health care services provided through telemedicine, a health care provider shall not  
91 be required to document a barrier to an in-person visit, nor shall the type of setting where  
92 telemedicine is provided be limited.

93 A contract that provides coverage for telemedicine services may contain a provision for a  
94 deductible, copayment or coinsurance requirement for a health care service provided through  
95 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,  
96 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
97 services.

98 Health care services provided by telemedicine shall conform to the standards of care  
99 applicable to the telemedicine provider's profession. Such services shall also conform to  
100 applicable federal and state health information privacy and security standards as well as  
101 standards for informed consent.

102 SECTION 5. Chapter 176A of the General Laws, as appearing in the 2014 Official  
103 Edition, is hereby amended by inserting at the end thereof the following new section:

104 Section 38: Notwithstanding any general or special law or rule or regulation to the  
105 contrary, any contract between a subscriber and the corporation under an individual or group  
106 hospital service plan may provide for coverage for health care services to a subscriber  
107 appropriately provided through the use of telemedicine by a contracted health care provider. For  
108 the purposes of this section, “telemedicine” shall mean the use of interactive audio, video or  
109 other electronic media for the purpose of diagnosis, consultation, and treatment of a patient's  
110 physical and mental health. Telemedicine shall not include audio-only telephone, facsimile  
111 machine, online questionnaires, texting or text-only e-mail.

112 A carrier may undertake utilization review, including preauthorization, to determine the  
113 appropriateness of telemedicine as a means of delivering a health care service, provided that the  
114 determinations shall be made in the same manner as those regarding the same service when it is  
115 delivered in person. A carrier is not required to reimburse a health care provider for a health care  
116 service that is not a covered benefit under the plan nor reimburse a health care provider when the  
117 provider is not a contracted provider under the plan.

118 For health care services provided through telemedicine, a health care provider shall not  
119 be required to document a barrier to an in-person visit, nor shall the type of setting where  
120 telemedicine is provided be limited.

121 A contract that provides coverage for telemedicine services may contain a provision for a  
122 deductible, copayment or coinsurance requirement for a health care service provided through  
123 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,

124 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
125 services.

126 Health care services provided by telemedicine shall conform to the standards of care  
127 applicable to the telemedicine provider's profession. Such services shall also conform to  
128 applicable federal and state health information privacy and security standards as well as  
129 standards for informed consent.

130 SECTION 6. Chapter 176B of the General Laws, as appearing in the 2014 Official  
131 Edition, is hereby amended by inserting at the end thereof the following new section:

132 Section 25: Notwithstanding any general or special law or rule or regulation to the  
133 contrary, any contract between a subscriber and the medical service corporation may provide for  
134 coverage for health care services to a subscriber appropriately provided through the use of  
135 telemedicine by a contracted health care provider. For the purposes of this section,  
136 "telemedicine" shall mean the use of interactive audio, video or other electronic media for the  
137 purpose of diagnosis, consultation, and treatment of a patient's physical and mental health.  
138 Telemedicine shall not include audio-only telephone, facsimile machine, online questionnaires,  
139 texting or text-only e-mail.

140 A carrier may undertake utilization review, including preauthorization, to determine the  
141 appropriateness of telemedicine as a means of delivering a health care service, provided that the  
142 determinations shall be made in the same manner as those regarding the same service when it is  
143 delivered in person. A carrier is not required to reimburse a health care provider for a health care  
144 service that is not a covered benefit under the plan nor reimburse a health care provider when the  
145 provider is not a contracted provider under the plan.

146 For health care services provided through telemedicine, a health care provider shall not  
147 be required to document a barrier to an in-person visit, nor shall the type of setting where  
148 telemedicine is provided be limited.

149 A contract that provides coverage for telemedicine services may contain a provision for a  
150 deductible, copayment or coinsurance requirement for a health care service provided through  
151 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,  
152 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
153 services.

154 Health care services provided by telemedicine shall conform to the standards of care  
155 applicable to the telemedicine provider's profession. Such services shall also conform to  
156 applicable federal and state health information privacy and security standards as well as  
157 standards for informed consent.

158 SECTION 7. Chapter 176G of the General Laws, as appearing in the 2014 Official  
159 Edition, is hereby amended by inserting at the end thereof the following new section:

160 Section 33: Notwithstanding any general or special law or rule or regulation to the  
161 contrary, any contract between a member and a carrier shall provide for coverage for health  
162 services to a subscriber through the use of telemedicine by a contracted health care provider.  
163 For the purposes of this section, "telemedicine" shall mean the use of interactive audio, video or  
164 other electronic media for the purpose of diagnosis, consultation, and treatment of a patient's  
165 physical and mental health. Telemedicine shall not include audio-only telephone, facsimile  
166 machine, online questionnaires, texting or text-only e-mail.

167           A carrier may undertake utilization review, including preauthorization, to determine the  
168 appropriateness of telemedicine as a means of delivering a health care service, provided that the  
169 determinations shall be made in the same manner as those regarding the same service when it is  
170 delivered in person. A carrier is not required to reimburse a health care provider for a health care  
171 service that is not a covered benefit under the plan nor reimburse a health care provider when the  
172 provider is not a contracted provider under the plan.

173           For health care services provided through telemedicine, a health care provider shall not  
174 be required to document a barrier to an in-person visit, nor shall the type of setting where  
175 telemedicine is provided be limited

176           A contract that provides coverage for telemedicine services may contain a provision for a  
177 deductible, copayment or coinsurance requirement for a health care service provided through  
178 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,  
179 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
180 services.

181           Health care services provided by telemedicine shall conform to the standards of care  
182 applicable to the telemedicine provider's profession. Such services shall also conform to  
183 applicable federal and state health information privacy and security standards as well as  
184 standards for informed consent.

185           SECTION 8. Chapter 176I of the General Laws, as appearing in the 2014 Official  
186 Edition, is hereby amended by inserting at the end thereof the following new section:

187           Section 13: Notwithstanding any general or special law or rule or regulation to the  
188 contrary, any contract between a covered person and an organization may provide for coverage

189 for health care services to a subscriber appropriately provided through the use of telemedicine by  
190 a contracted health care provider. For the purposes of this section, “telemedicine” shall mean the  
191 use of interactive audio, video or other electronic media for the purpose of diagnosis,  
192 consultation, and treatment of a patient's physical and mental health. Telemedicine shall not  
193 include audio-only telephone, facsimile machine, online questionnaires, texting or text-only e-  
194 mail.

195 A carrier may undertake utilization review, including preauthorization, to determine the  
196 appropriateness of telemedicine as a means of delivering a health care service, provided that the  
197 determinations shall be made in the same manner as those regarding the same service when it is  
198 delivered in person. A carrier is not required to reimburse a health care provider for a health care  
199 service that is not a covered benefit under the plan nor reimburse a health care provider when the  
200 provider is not a contracted provider under the plan.

201 For health care services provided through telemedicine, a health care provider shall not  
202 be required to document a barrier to an in-person visit, nor shall the type of setting where  
203 telemedicine is provided be limited

204 A contract that provides coverage for telemedicine services may contain a provision for a  
205 deductible, copayment or coinsurance requirement for a health care service provided through  
206 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,  
207 copayment or coinsurance applicable to an in-person consultation or in-person delivery of  
208 services.

209 Health care services provided by telemedicine shall conform to the standards of care  
210 applicable to the telemedicine provider’s profession. Such services shall also conform to

211 applicable federal and state health information privacy and security standards as well as  
212 standards for informed consent.

213 SECTION 9. Notwithstanding any general or special law or rule or regulation to the  
214 contrary, the Division of Health Professions Licensure within the Department of Public Health  
215 and the Division of Professional Licensure within the Office of Consumer Affairs and Business  
216 Regulation shall allow licensees to obtain proxy credentialing and privileging for telemedicine  
217 services with other healthcare providers as defined in section 1 of chapter 111 of the general laws  
218 or facilities consistent with federal Medicare Conditions of Participation telemedicine standards.

219 For the purposes of this section, “telemedicine” shall mean the use of interactive audio,  
220 video or other electronic media for the purpose of diagnosis, consultation, and treatment of a  
221 patient's physical and mental health. Telemedicine shall not include audio-only telephone,  
222 facsimile machine, online questionnaires, texting or text-only e-mail.