

SENATE No. 534

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing telehealth.

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. The purpose of this act shall be for the Commonwealth to recognize
2 telehealth services as an effective means of monitoring and managing home health patients
3 whose medical, functional and/or environmental needs can be appropriately and cost-effectively
4 met through such technology. Reimbursable home telehealth will be fostered to ensure an
5 increased communication with the patient, help early detection of chronic illness, prevent re-
6 hospitalization and subsequent costs, enhance self-management and provide the patient an
7 improved comprehension of his/her condition.

8 SECTION 2 Definitions

9 For the purposes of this act, the following terms shall have the following meanings:

10 “Telehealth/telehealth technology,” includes the delivery of medical services and any
11 diagnostic, treatment or health management assistance utilizing interactive audio, interactive
12 video and/or interactive data transmission relative to the health care of a patient in a home care

13 setting. Telehealth technology services do not include telephone conversations, electronic mail
14 messages or facsimile transmissions.

15 “Certified home health agency,” includes those home health agencies that are approved
16 for participation in the Medicare and Medicaid programs.

17 “Home care services,” are services provided to a home health patient by a certified home
18 health agency.

19 SECTION 3. Notwithstanding any general or special law to the contrary, the executive
20 office of health and human services is hereby directed, pursuant to section 7 of chapter 118G of
21 the General Laws, to establish that health care services delivered by a certified home health
22 agency through telehealth technology are reimbursable when provided to clients receiving home
23 care services that are otherwise eligible for reimbursement under the Medicaid program.
24 Recipients of telehealth services will be those that require home health services of unusually high
25 frequency, urgency or duration and that have chronic medical conditions, including, but not
26 limited to: congestive heart failure, diabetes, and/or chronic obstructive pulmonary disease.

27 SECTION 4. Rates of telehealth services shall reflect costs on a monthly basis in order
28 to account for daily variation in the intensity and complexity of patients’ telehealth service
29 needs; provided that such rates shall further reflect the cost of the daily operation and provision
30 of such services, which costs shall include the following functions undertaken by the
31 participating certified home health agency:

32 Monitoring of patients vital signs;

33 Patient education;

34 Medication management;

35 Equipment maintenance and comprehension;

36 Review of patient trends and/or other changes in patient condition necessitating

37 professional intervention; and

38 Other such activities as the executive office of health and human services deem necessary

39 and appropriate to this section.

40 Reimbursement for telehealth services pursuant to this section shall be provided only in

41 connection with Federal Food and Drug Administration-approved devices, and incorporated as

42 part of the patient's plan of care.

43 SECTION 5. The home health patient's respective agency shall be responsible for the

44 accuracy, maintenance and instruction on the usage of telehealth technology.

45 SECTION 6. This act shall become effective 60 days following its enactment.