

HOUSE No. 4442

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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.