

HOUSE No. 2174

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

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 expanding access to telemedicine services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/20/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/20/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/20/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/24/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Michael S. Day</i>	<i>31st Middlesex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	

HOUSE No. 2174

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 2174) of Kate Hogan and others relative to access to telemedicine services. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act 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
2 Edition, is hereby amended by inserting after section 17O the following section:—

3 Section 17P. The commission shall provide to any active or retired employee of the
4 commonwealth who is insured under the group insurance commission coverage for health care
5 services provided through the use of telemedicine by a contracted health care provider. Such
6 health care services shall be covered to the same extent as if provided by in-person consultation
7 or in-person delivery. Such health care services shall be reimbursed at a rate not less than the rate
8 for the same service provided through in-person consultation or contact.

9 A contract that provides coverage for telemedicine services may contain a provision for a
10 deductible, copayment or coinsurance requirement for a health care service provided through
11 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,
12 copayment or coinsurance applicable to an in-person consultation or in-person delivery of

13 services. For health care services provided through telemedicine, a health care provider shall not
14 be required to document a barrier to an in-person visit, nor shall the type of setting where
15 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
16 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
17 technology or other interactive electronic media for the purpose of diagnosis, consultation or
18 treatment, and shall also include store-and-forward technology, consisting of the transmission of
19 a patient’s medical information or data, including but not limited to digital images, documents,
20 and pre-recorded video, from an originating site to a provider at a distant site for clinical
21 evaluation.

22 SECTION 2. Chapter 118E of the General Laws, as so appearing, is hereby amended by
23 inserting after section 10J the following section:—

24 Section 10K. The division shall provide coverage under its Medicaid contracted health
25 insurers, health plans, health maintenance organizations, behavioral health management firms
26 and third party administrators under contract to a Medicaid managed care organization or the
27 Medicaid primary care clinician plan for health care services provided through the use of
28 telemedicine by a contracted provider. Such health care services shall be covered to the same
29 extent as if provided by in-person consultation or in-person delivery. Such health care services
30 shall be reimbursed at a rate not less than the rate that Medicaid and other entities covered in this
31 paragraph reimburse for in-person consultation or contact.

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

35 copayment or coinsurance applicable to an in-person consultation or in-person delivery of
36 services. For health care services provided through telemedicine, a health care provider shall not
37 be required to document a barrier to an in-person visit, nor shall the type of setting where
38 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
39 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
40 technology or other interactive electronic media for the purpose of diagnosis, consultation or
41 treatment, and shall also include store-and-forward technology, consisting of the transmission of
42 a patient’s medical information or data, including but not limited to digital images, documents,
43 and pre-recorded video, from an originating site to a provider at a distant site for clinical
44 evaluation.

45 SECTION 3. Section 47BB of chapter 175 of the General Laws, added by section 158 of
46 chapter 224 of the acts of 2012, is hereby amended by striking said section in its entirety and
47 inserting in place thereof the following:—

48 Section 47BB. Any individual policy of accident and sickness insurance issued pursuant
49 to section 108 and any group blanket insurance issued pursuant to section 110 that is delivered,
50 issued or renewed within the commonwealth shall provide coverage for health care services
51 provided to an insured through the use of telemedicine by a contracted health care provider.
52 Such health care services shall be covered to the same extent as if they were provided by in-
53 person consultation or in-person delivery. Such health care services shall be reimbursed at a rate
54 not less than the rate for in-person consultation or in-person delivery of the same contracted
55 health care services.

56 A contract that provides coverage for telemedicine services may contain a provision for a
57 deductible, copayment or coinsurance requirement for a health care service provided through
58 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,
59 copayment or coinsurance applicable to an in-person consultation or in-person delivery of
60 services. For health care services provided through telemedicine, a health care provider shall not
61 be required to document a barrier to an in-person visit, nor shall the type of setting where
62 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
63 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
64 technology or other interactive electronic media for the purpose of diagnosis, consultation or
65 treatment, and shall also include store-and-forward technology, consisting of the transmission of
66 a patient’s medical information or data, including but not limited to digital images, documents,
67 and pre-recorded video, from an originating site to a provider at the distant site for clinical
68 evaluation.

69 SECTION 4. Chapter 176A of the General Laws, as so appearing, is hereby amended by
70 inserting after section 8KK the following new section:—

71 Section 8LL: Any contract between a subscriber and the corporation under an individual
72 or group hospital service plan which is delivered, issued or renewed within the commonwealth
73 shall provide coverage for health care services to a subscriber through the use of telemedicine by
74 a contracted health care provider. Such health care services shall be covered to the same extent
75 as if they were provided by in-person consultation or in-person delivery. Such health care
76 services shall be reimbursed at a rate not less than the rate for in-person consultation or in-person
77 delivery of the same contracted health care services.

78 A contract that provides coverage for telemedicine services may contain a provision for a
79 deductible, copayment or coinsurance requirement for a health care service provided through
80 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,
81 copayment or coinsurance applicable to an in-person consultation or in-person delivery of
82 services. For health care services provided through telemedicine, a health care provider shall not
83 be required to document a barrier to an in-person visit, nor shall the type of setting where
84 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
85 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
86 technology or other interactive electronic media for the purpose of diagnosis, consultation or
87 treatment, and shall also include store-and-forward technology, consisting of the transmission of
88 a patient’s medical information or data, including but not limited to digital images, documents,
89 and pre-recorded video, from an originating site to a provider at a distant site for clinical
90 evaluation.

91 SECTION 5. Chapter 176B of the General Laws, as so appearing, is hereby amended by
92 inserting after section 4KK the following section:—

93 Section 4LL. Any subscription certificate under an individual or group medical service
94 agreement delivered, issued or renewed within the commonwealth shall provide coverage for
95 health care services to a subscriber through the use of telemedicine by a contracted health care
96 provider. Such health care services shall be covered to the same extent as if they were provided
97 by in-person consultation or in-person delivery. Such health care services shall be reimbursed at
98 a rate not less than the rate for in-person consultation or in-person delivery of the same
99 contracted health care services.

100 A contract that provides coverage for telemedicine services may contain a provision for a
101 deductible, copayment or coinsurance requirement for a health care service provided through
102 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,
103 copayment or coinsurance applicable to an in-person consultation or in-person delivery of
104 services. For health care services provided through telemedicine, a health care provider shall not
105 be required to document a barrier to an in-person visit, nor shall the type of setting where
106 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
107 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
108 technology or other interactive electronic media for the purpose of diagnosis, consultation or
109 treatment, and shall also include store-and-forward technology, consisting of the transmission of
110 a patient’s medical information or data, including but not limited to digital images, documents,
111 and pre-recorded video, from an originating site to a provider at a distant site for clinical
112 evaluation.

113 SECTION 6. Chapter 176G of the General Laws, as so appearing, is hereby amended by
114 inserting after section 4AA the following section:—

115 Section 4BB. Individual and group health maintenance contracts delivered, issued or
116 renewed within the commonwealth shall provide coverage for health services to a subscriber
117 through the use of telemedicine by a contracted health care provider. Such health services shall
118 be covered to the same extent as if they were provided by in-person consultation or in-person
119 delivery. Such health care services shall be reimbursed at a rate not less than the rate for in-
120 person consultation or in-person delivery of the same contracted health care services.

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. For health care services provided through telemedicine, a health care provider shall not
126 be required to document a barrier to an in-person visit, nor shall the type of setting where
127 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
128 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
129 technology or other interactive electronic media for the purpose of diagnosis, consultation or
130 treatment, and shall also include store-and-forward technology, consisting of the transmission of
131 a patient’s medical information or data, including but not limited to digital images, documents,
132 and pre-recorded video, from an originating site to a provider at a distant site for clinical
133 evaluation.

134 SECTION 7. Chapter 176I of the General Laws, as so appearing, is hereby amended by
135 adding the following section:—

136 Section 13: Notwithstanding any general or special law or rule or regulation to the
137 contrary, any contract between a covered person and an organization shall provide for coverage
138 for health care services to a subscriber through the use of telemedicine by a contracted health
139 care provider. Such health care services shall be covered to the same extent as if they were
140 provided by in-person consultation or in-person delivery. Such health care services shall be
141 reimbursed at a rate not less than the rate for in-person consultation or in-person delivery of the
142 same contracted health care services.

143 A contract that provides coverage for telemedicine services may contain a provision for a
144 deductible, copayment or coinsurance requirement for a health care service provided through
145 telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible,
146 copayment or coinsurance applicable to an in-person consultation or in-person delivery of
147 services. For health care services provided through telemedicine, a health care provider shall not
148 be required to document a barrier to an in-person visit, nor shall the type of setting where
149 telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it
150 pertains to the delivery of health care services, shall mean the use of audio-visual interactive
151 technology or other interactive electronic media for the purpose of diagnosis, consultation or
152 treatment, and shall also include store-and-forward technology, consisting of the transmission of
153 a patient’s medical information or data, including but not limited to digital images, documents,
154 and pre-recorded video, from an originating site to a provider at a distant site for clinical
155 evaluation.

156 SECTION 8. The provisions this act shall apply to all contracts which are entered into,
157 renewed, or amended on or after one year from its effective date.