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:

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<tr>
<th>NAME:</th>
<th>DISTRICT/ADDRESS:</th>
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<tbody>
<tr>
<td>Kate Hogan</td>
<td>3rd Middlesex</td>
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<tr>
<td>William L. Croker, Jr.</td>
<td>2nd Barnstable</td>
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<tr>
<td>Dylan A. Fernandes</td>
<td>Barnstable, Dukes and Nantucket</td>
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<tr>
<td>Michael S. Day</td>
<td>31st Middlesex</td>
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<tr>
<td>Harriette L. Chandler</td>
<td>First Worcester</td>
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<td>Michael J. Barrett</td>
<td>Third Middlesex</td>
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<td>Brian M. Ashe</td>
<td>2nd Hampden</td>
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<td>Michael O. Moore</td>
<td>Second Worcester</td>
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<td>Stephan Hay</td>
<td>3rd Worcester</td>
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<td>Carlos González</td>
<td>10th Hampden</td>
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<td>Paul F. Tucker</td>
<td>7th Essex</td>
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<td>Susannah M. Whipps</td>
<td>2nd Franklin</td>
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<td>James K. Hawkins</td>
<td>2nd Bristol</td>
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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:

SECTION 1. Chapter 32A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 17O the following section:—

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

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

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

Section 10K. The division shall provide coverage under its Medicaid contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third party administrators under contract to a Medicaid managed care organization or the Medicaid primary care clinician plan for health care services provided through the use of telemedicine by a contracted provider. Such health care services shall be covered to the same extent as if provided by in-person consultation or in-person delivery. Such health care services shall be reimbursed at a rate not less than the rate that Medicaid and other entities covered in this paragraph reimburse for in-person consultation or contact.
A contract that provides coverage for telemedicine services may contain a provision for a deductible, copayment or coinsurance requirement for a health care service provided through telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to an in-person consultation or in-person delivery of services. For health care services provided through telemedicine, a health care provider shall not be required to document a barrier to an in-person visit, nor shall the type of setting where telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it pertains to the delivery of health care services, shall mean the use of audio-visual interactive technology or other interactive electronic media for the purpose of diagnosis, consultation or treatment, and shall also include store-and-forward technology, consisting of the transmission of a patient’s medical information or data, including but not limited to digital images, documents, and pre-recorded video, from an originating site to a provider at a distant site for clinical evaluation.

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

Section 47BB. Any individual policy of accident and sickness insurance issued pursuant to section 108 and any group blanket insurance issued pursuant to section 110 that is delivered, issued or renewed within the commonwealth shall provide coverage for health care services provided to an insured through the use of telemedicine by a contracted health care provider. Such health care services shall be covered to the same extent as if they were provided by in-person consultation or in-person delivery. Such health care services shall be reimbursed at a rate
A contract that provides coverage for telemedicine services may contain a provision for a deductible, copayment or coinsurance requirement for a health care service provided through telemedicine as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to an in-person consultation or in-person delivery of services. For health care services provided through telemedicine, a health care provider shall not be required to document a barrier to an in-person visit, nor shall the type of setting where telemedicine is provided be limited. For the purposes of this section, “telemedicine,” as it pertains to the delivery of health care services, shall mean the use of audio-visual interactive technology or other interactive electronic media for the purpose of diagnosis, consultation or treatment, and shall also include store-and-forward technology, consisting of the transmission of a patient’s medical information or data, including but not limited to digital images, documents, and pre-recorded video, from an originating site to a provider at the distant site for clinical evaluation.

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

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

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

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

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

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

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

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

A contract that provides coverage for telemedicine services may contain a provision for a
deductible, copayment or coinsurance requirement for a health care service provided through
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be required to document a barrier to an in-person visit, nor shall the type of setting where
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a patient’s medical information or data, including but not limited to digital images, documents,
and pre-recorded video, from an originating site to a provider at a distant site for clinical
evaluation.

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

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

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a patient’s medical information or data, including but not limited to digital images, documents,
and pre-recorded video, from an originating site to a provider at a distant site for clinical
evaluation.

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