

SENATE No. 763

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gómez

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 relative to telehealth and digital equity for patients.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam Gómez</i>	<i>Hampden</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/17/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/11/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/20/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/27/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/5/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/24/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>4/1/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>5/14/2025</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>7/1/2025</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>7/29/2025</i>

SENATE No. 763

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 763) of Adam Gomez, Lindsay N. Sabadosa, Manny Cruz, Sal N. DiDomenico and other members of the General Court for legislation relative to telehealth and digital equity for patients. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 655 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to telehealth and digital equity for patients.

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. Section 18AA of Chapter 6A of the General Laws, as most recently inserted
2 by Section 1 of Chapter 174 of the Acts of 2022, is hereby amended by inserting after the word
3 “benefits” the last time it appears the following:

4 The executive office of health and human services and the executive office of housing
5 and economic development shall determine a method for the common application portal to also
6 allow individuals to simultaneously apply to affordable broadband programs offered by
7 telecommunications providers.

SECTION 2. Section 30 of Chapter 32A of the General Laws, as most recently inserted by section 3 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of “behavioral health services, the following:

“E-consults”, asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member’s caregiver.

“E-Visits”, patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits.

“Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not

limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device.

SECTION 3. Subsection (b) of Section 30 of Chapter 32A of the General Laws, as most recently inserted by section 3 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices, and remote therapeutic monitoring services and devices.

SECTION 4. Section 30 of Chapter 32A of the General Laws, as most recently inserted by section 3 of Chapter 260 of the Acts of 2020, is hereby amended by striking out subsection (c) and inserting in place thereof the following:

(c) Coverage for telehealth services may include utilization review; provided, however, that any utilization review shall be made in the same manner as if the service was delivered in person. Carriers shall not impose any prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. A carrier shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 5. Section 30 of Chapter 32A of the General Laws, as most recently inserted by Section 3 of Chapter 260 of the Acts of 2020 is hereby amended by adding at the end thereof the following subsections:

(i) Coverage for telehealth services shall include reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing.

(j) Carriers providing coverage to an active or retired employee of the commonwealth insured under the group insurance commission shall develop and maintain procedures to identify and offer digital health education to enrollees with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify current enrollees with low digital health literacy and a digital health education program to educate insured members regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering enrollees in-person digital health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) Carriers providing coverage to an active or retired employee of the commonwealth insured under the group insurance commission shall make information available to the commission regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of enrollees identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) Carriers providing coverage to an active or retired employee of the commonwealth insured under the group insurance commission shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

SECTION 6. Subsection (a) of Section 79 of Chapter 118E of the General Laws, as most recently amended by Section 40 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of "behavioral health services" the following:

"E-consults", asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member's caregiver.

"E-Visits", patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and

management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits. “Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device. SECTION 7. Subsection (b) of Section 79 of Chapter 118E of the General Laws, as most recently amended by Section 40 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices including but not limited to treatment for i) congenital heart diseases, ii) pulmonary conditions and lung diseases, iii) enteral nutrition and feeding needs, iv) failure to thrive and gain weight, and v) gastrointestinal conditions and remote therapeutic monitoring services, devices and associated professional care. SECTION 8. Section 79 of Chapter 118E of the General Laws, as most recently amended by Section 40 of Chapter 260 of the Acts of 2020, is hereby amended by striking subsection (c) and inserting in place thereof the following:

(c) The division, a contracted health insurer, health plan, health maintenance organization, behavioral health management firm or third-party administrators under contract to a Medicaid managed care organization or primary care clinician plan shall not impose any utilization management requirements, including but not limited to, prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. The division, a contracted health insurer, health plan, health maintenance organization, behavioral health management firm or third-party administrator under contract to a Medicaid managed care organization or primary care clinician plan shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 9. Section 79 of Chapter 118E of the General Laws, as most recently inserted by Section 40 of Chapter 260 of the Acts of 2020 is hereby amended by inserting at the end thereof the following subsections:

(i) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization, accountable care organization or primary care clinician plan shall include in its coverage for reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing in its coverage for telehealth services.

(j) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization, accountable care organization or primary care clinician plan shall develop and maintain procedures to identify and offer digital health education to members with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify new and current members with low digital health literacy and a digital health education program to educate insured members regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering enrollees in-person digital health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization, accountable care organization or primary care clinician plan shall publish information annually regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of members identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization, accountable care organization or primary care clinician plan providing coverage to an active or retired employee of the commonwealth insured under the group insurance commission shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic, or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

(m) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization, accountable care organization or primary care clinician plan shall not impose any prior authorization requirements to obtain medically necessary remote patient monitoring services and devices or remote therapeutic monitoring services or devices.

SECTION 10. Section 47MM of Chapter 175 of the General Laws, as most recently inserted by section 47 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of "behavioral health services, the following:

“E-consults”, asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member’s caregiver.

“E-Visits”, patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits.

“Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device.

SECTION 11. Subsection (b) of Section 47MM of Chapter 175 of the General Laws, as most recently inserted by section 47 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices, and remote therapeutic monitoring services and devices. SECTION 12. Section 47MM of Chapter 175 of the General Laws, as most recently amended by Section 47 of Chapter 260 of the Acts of 2020, is hereby amended by striking out subsection (c) and inserting place thereof the following:

(c) Coverage for telehealth services may include utilization review; provided, however, that any utilization review shall be made in the same manner as if the service was delivered in person. A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within or without the commonwealth shall not impose any prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within or without the commonwealth shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 13. Section 47MM of Chapter 175 of the General Laws, as most recently inserted by Section 47 of Chapter 260 of the Acts of 2020 is hereby further amended by adding at the end thereof the following subsections:

(i) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides coverage for telehealth services shall include reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing.

(j) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth shall develop and maintain procedures to identify and offer digital health education to subscribers with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify new and current subscribers with low digital health literacy and a digital health education program to educate insured subscribers regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering subscribers in-person digital health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth shall publish information annually regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of subscribers identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

SECTION 14. Section 38 of Chapter 176A of the General Laws, as most recently inserted by section 49 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of "behavioral health services, the following:

"E-consults", asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member's caregiver.

"E-Visits", patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and

management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits.

“Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device.

SECTION 15. Subsection (b) of Section 38 of Chapter 176A of the General Laws, as most recently inserted by section 49 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices, and remote therapeutic monitoring services and devices.

SECTION 16. Section 38 of Chapter 176A of the General Laws, as most recently amended by Section 49 of Chapter 260 of the Acts of 2020, is hereby further amended by striking subsection (c) and inserting in place thereof the following:

(c) Coverage for telehealth services may include utilization review; provided, however, that any utilization review shall be made in the same manner as if the service was delivered in person. A carrier shall not impose any prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. A carrier shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 17. Section 38 of Chapter 176A of the General Laws, as most recently inserted by Section 49 of Chapter 260 of the Acts of 2020, is hereby amended by adding at the end thereof the following subsections:

(i) Coverage for telehealth services shall include reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing.

(j) Hospital service corporations shall develop and maintain procedures to identify and offer digital health education to subscribers with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify new and current subscribers with low digital health literacy and a digital health education program to educate insured subscribers regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering subscribers in-person digital

health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) Hospital service corporations shall publish information annually regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of subscribers identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) Hospital service corporations providing coverage under this section shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

SECTION 18. Section 25 of Chapter 176B of the General Laws, as most recently inserted by section 51 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of "behavioral health services, the following:

“E-consults”, asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member’s caregiver.

“E-Visits”, patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits.

“Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device.

SECTION 19. Subsection (b) of Section 25 of Chapter 176A of the General Laws, as most recently inserted by section 3 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices, and remote therapeutic monitoring services and devices.

SECTION 20. Section 25 of Chapter 176B of the General Laws, as most recently amended by Section 51 of Chapter 260 of the Acts of 2020, is hereby further amended by striking subsection (c) and inserting in place thereof the following:

(c) Coverage for telehealth services may include utilization review; provided, however, that any utilization review shall be made in the same manner as if the service was delivered in person. A carrier shall not impose any prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. A carrier shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 21. Section 25 of Chapter 176B of the General Laws, as most recently inserted by Section 51 of Chapter 260 of the Acts of 2020, is hereby amended by adding at the end thereof the following subsections:

(i) A contract that provides coverage for telehealth services shall include reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing who require interpreter services.

(j) Medical service corporations shall develop and maintain procedures to identify and offer digital health education to subscribers with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify new and current subscribers with low digital health literacy and a digital health education program to educate insured subscribers regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering subscribers in-person digital health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) Medical service corporations shall publish information annually regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of subscribers identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) Medical service corporations providing coverage under this section shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare

services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

SECTION 22. Section 33 of Chapter 176G of the General Laws, as most recently inserted by section 53 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of "behavioral health services, the following:

"E-consults", asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member's caregiver.

"E-Visits", patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits.

“Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device.

SECTION 23. Subsection (b) of Section 33 of Chapter 176G of the General Laws, as most recently inserted by section 53 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices, and remote therapeutic monitoring services and devices.

SECTION 24. Section 33 of Chapter 176G of the General Laws, as most recently amended by Section 53 of Chapter 260 of the Acts of 2020, is hereby further amended by striking subsection (c) and inserting in place thereof the following:

(c) Coverage for telehealth services may include utilization review; provided, however, that any utilization review shall be made in the same manner as if the service was delivered in

person. A health maintenance organization shall not impose any prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. A health maintenance organization shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 25. Section 33 of Chapter 176G of the General Laws, as most recently inserted by Section 53 of Chapter 260 of the Acts of 2020, is hereby amended by adding at the end thereof the following subsection:

(i) A contract that provides coverage for telehealth services shall include reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing.

(j) Health maintenance organizations shall develop and maintain procedures to identify and offer digital health education to members with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify new and current members with low digital health literacy and a digital health education program to educate insured subscribers regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering subscribers in-person digital

health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) Health maintenance organizations shall publish information annually regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of subscribers identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) Health maintenance organizations providing coverage under this section shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

SECTION 26. Section 13 of Chapter 176I of the General Laws, as most recently inserted by section 54 of Chapter 260 of the Acts of 2020, is hereby amended by inserting after the definition of "behavioral health services, the following:

“E-consults”, asynchronous, consultative, provider-to-provider communications within a shared electronic health record (EHR) or web-based platform that are intended to improve access to specialty expertise for patients and providers without the need for a face-to-face visit, focused on a specific question. E-consults are inclusive of the consult generated from one provider or other qualified health professional to another, and of communications before/after consultation back to the member and/or the member’s caregiver.

“E-Visits”, patient-initiated, non face-to-face digital communications conducted via a HIPAA-compliant secure platform or patient portal including online digital evaluation and management services. Such communications involve clinical decision-making comparable to what would occur in an in-office visits.

“Remote patient monitoring services”, personal health and medical data collection, transmission, retrieval, or messaging from a member in one location, which is then transmitted to a provider in a different location and is used primarily for the management, treatment, care and related support of ongoing health conditions via regular information inputs from members and member guidance outputs from healthcare providers, including the remote monitoring of a patient’s vital signs, biometric data, or other objective or subjective data by a device that transmits such data electronically to a healthcare practitioner.

“Remote therapeutic monitoring services”, the collection, storage and transfer of non-physiologic data to a healthcare provider related to a therapeutic treatment including, but not limited to, data on a patient’s musculoskeletal or respiratory system, treatment adherence, and treatment response utilizing a connected electronic medical device.

SECTION 27. Subsection (b) of Section 13 of Chapter 176I of the General Laws, as most recently inserted by section 54 of Chapter 260 of the Acts of 2020, is hereby amended by inserting at the end thereof after the word “providers.” the following:

Coverage for telehealth services shall include coverage and reimbursement for e-consults, e-visits, remote patient monitoring services and devices, and remote therapeutic monitoring services and devices. SECTION 28. Section 13 of Chapter 176I of the General Laws, as most recently amended by section 54 of Chapter 260 of the Acts of 2020, is hereby further amended by striking subsection (c) and inserting in place thereof the following:

(c) Coverage for telehealth services may include utilization review; provided, however, that any utilization review shall be made in the same manner as if the service was delivered in person. An organization shall not impose any prior authorization requirements to obtain medically necessary health services via telehealth that would not apply to the receipt of those same services on an in-person basis. An organization shall not be required to reimburse a health care provider for a health care service that is not a covered benefit under the plan or reimburse a health care provider not contracted under the plan except as provided for under subclause (i) of clause (4) of the second sentence of subsection (a) of section 6 of chapter 176O.

SECTION 29. Section 13 of Chapter 176I of the General Laws, as most recently inserted by Section 54 of Chapter 260 of the Acts of 2020, is hereby amended by adding at the end thereof the following subsection:

(i) A preferred provider contract that provides coverage for telehealth services shall include reimbursement for interpreter services for patients with limited English proficiency or those who are deaf or hard of hearing.

(j) Organizations shall develop and maintain procedures to identify and offer digital health education to covered persons with low digital health literacy to assist them with accessing any medical necessary covered telehealth benefits. These procedures shall include a digital health literacy screening program or other similar procedure to identify new and current covered persons with low digital health literacy and a digital health education program to educate covered persons regarding the effective use of telehealth technology including but not limited to distributing educational materials about how to access certain telehealth technologies in multiple languages, including sign language, and in alternative formats; holding digital health literacy workshops; integrating digital health coaching; offering covered persons in-person digital health navigators; and partnering with local libraries and/or community centers that offer digital health education services and supports.

(k) Organizations shall publish information annually regarding the procedures that they have implemented under subsection (j) including but not limited to statistics on the number of covered persons identified with low digital health literacy and receiving digital health education, manner(s) or method of digital health literacy screening and digital health education, financial impact of the programs, and evaluations of effectiveness of digital health literacy interventions.

(l) Organizations providing coverage under this section shall not prohibit a physician licensed pursuant to Chapter 112 or otherwise authorized to provide healthcare services who is providing healthcare services to a patient who is physically located in Massachusetts at the time the healthcare services are provided via telehealth from providing such services from any location within Massachusetts or outside Massachusetts; provided, that the location from which the physician provides services does not compromise patient confidentiality and privacy and the location from which the physician provides the services does not exceed restrictions placed on

the physician's specific license, including but not limited to, restrictions set by the hospital, institution, clinic or program in which a physician licensed pursuant to section 9 of Chapter 112 of the General Laws has been appointed.

SECTION 30. Section 26 of Chapter 176O of the General Laws is hereby amended by striking the current section and inserting in place thereof the following:

Section 26. The commissioner shall establish standardized processes and procedures applicable to all health care providers and payers for the determination of a patient's health benefit plan eligibility at or prior to the time of service, including telehealth services. As part of such processes and procedures, the commissioner shall (i) require payers to implement automated approval systems such as decision support software in place of telephone approvals for specific types of services specified by the commissioner and (ii) require establishment of an electronic data exchange to allow providers to determine eligibility at or prior to the point of care and determine the insured's cost share for a proposed telehealth service, including any copayment, deductible, coinsurance or other out of pocket amount for any covered telehealth services.

SECTION 31. Notwithstanding any general or special law to the contrary, the health policy commission, in consultation with the center for health information and analysis, the executive office of health and human services and the division of insurance shall issue a report on the use of telehealth services in the commonwealth and the effect of telehealth on health care access and system cost. The report, along with a suggested plan to implement its recommendations in order to maximize access, quality of care and cost savings, shall be submitted to the joint committee on health care financing and the house and senate committees

on ways and means not later than 2 years from the effective date of this act; provided, however, that not later than 1 year from the effective date of this act, the commission shall present a report on: i) the estimated impacts on costs and time spent by patients accessing healthcare services due to the use of telehealth; ii) the estimated impacts to access to healthcare services due to the use of telehealth including employment productivity, transportation costs and school attendance; iii) the estimated impacts on healthcare costs due to the impacts of telehealth on COVID-19 transmission and treatment; iv) the estimated impact on the costs of personal protective equipment for providers and healthcare facilities due to the use of telehealth; v) an estimate of the impact of health outcomes to those communities that have not been able to access telehealth services due to language or accessibility issues; and vi) an interim estimate of the fiscal impact of telehealth use in the commonwealth that shall include public health outcomes, increased access to services, reduction in transportation services and vehicle miles traveled, and reduction in hospitalizations. The report shall additionally include data regarding the number of telehealth visits utilizing an interpreter for those who are deaf and hard of hearing and for languages other than English and shall quantify the number of telehealth visits in each language.

SECTION 32. Notwithstanding any general or special law to the contrary, the health policy commission shall establish a Digital Bridge Pilot Program to support telehealth services and devices and to provide funding for healthcare and human service providers and their patients and clients to support the purchase of telecommunications, information services and connected devices necessary to provide telehealth services to patients and clients. Communities that have had the highest prevalence of and been disproportionately affected by COVID-19 shall be prioritized for funding under this program in addition to communities that experience barriers in accessing telehealth services due to language constraints, socioeconomic constraints or other

597 accessibility issues. Eligible programs may include but not be limited to public private
598 partnerships with telecommunication providers, municipalities, healthcare providers and other
599 organizations.

600 Eligible services may include, but not be limited to: telecommunications services;
601 broadband and internet connectivity services including the purchase of broadband subscriptions
602 and the establishment of wireless hotspots, so-called; voice services; remote patient monitoring
603 platforms and services; patient reported outcome platforms; store and forward services, including
604 the asynchronous transfer of patient images and data for interpretation by a physician; platforms
605 and services to provide synchronous video consultation; tablets, smartphones, or connected
606 devices to receive connected care services at home for patient or provider use; and telemedicine
607 kiosks / carts for provider sites. Funding shall not be used for unconnected devices that patients
608 utilize in the home and then manually report their results to providers.

609 SECTION 33. (a) Notwithstanding any general or special law to the contrary, the health
610 policy commission shall establish a Digital Health Navigator Tech Literacy Pilot Program,
611 herein referred to as the program, to complement and work in conjunction with the Digital
612 Bridge Pilot Program. The program shall establish telehealth digital health navigators including
613 community health workers, medical assistants, and other healthcare professionals to assist
614 patients with accessing telehealth services. The program and its funding shall prioritize
615 populations who experience increased barriers in accessing healthcare and telehealth services,
616 including those disproportionately affected by COVID-19, the elderly and those who may need
617 assistance with telehealth services due to limited English proficiency or limited literacy with
618 digital health tools. Entities receiving funding through this program will provide culturally and
619 linguistically competent hands-on support to educate patients on how to access broadband and

wireless services and subsequently utilize devices and online platforms to access telehealth services.

(b) The health policy commission shall publish a report, one year following the implementation of said Digital Bridge Health Navigator Tech Literacy Pilot Program, which shall include but not be limited to the following: (i) an identification of the program's telehealth navigators disaggregated by healthcare profession; (ii) the resources required to provide literacy with digital health tools, including, but not limited to, the cost of operating said pilot program and additional workforce training for the program's telehealth navigators; (iii) an identification of the populations served by the program disaggregated by demographics including, but not limited to, race, ethnicity, age, gender identity and primary language spoken; (iv) an identification of the regions served by the program across the commonwealth; and (v) an evaluation of the efficacy of the program in increasing the utilization of telehealth services disaggregated by patient demographics and including, but not limited to, the rate of attendance at telehealth visits.

SECTION 34. a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish a task force to address barriers and impediments to the practice of telehealth across state lines. The task force shall consist of: the secretary of the executive office of health and human services or a designee who shall serve as chair; the commissioner of the department of public health or a designee; the commissioner of the department of mental health or a designee; the executive director of the board of registration in medicine or a designee; a representative of the bureau of health professions licensure at the department of public health; a representative from the health policy commission; a representative from the Massachusetts Medical Society; a representative from the Massachusetts Health and

643 Hospital Association; and a representative from the Massachusetts League of Community Health
644 Centers.

645 b) The task force shall conduct an analysis and issue a report evaluating the
646 commonwealth's options to facilitate appropriate interstate medical practice and the practice of
647 telemedicine including consideration of the recommendations from the Federation of State
648 Medical Boards Workgroup on telemedicine, the Telehealth Act developed by the Uniform Law
649 Commission, model legislation developed by the American Medical Association, the interstate
650 medical licensure compact, and/or other licensure reciprocity agreements, including the medical
651 licensure reciprocity agreement between the states of Maryland and Virginia and the District of
652 Columbia. The analysis and report shall include but not be limited to: (i) an analysis of physician
653 job vacancies in the commonwealth broken down by practice specialization and projected
654 vacancies based on the demographics of the commonwealth's physician workforce and medical
655 school graduate retention rates; (ii) an analysis of other states' entry into the interstate medical
656 licensure compact and any impact on quality of care resulting from entry; (iii) an analysis of the
657 ability of physicians to provide follow-up care across state lines, including via telehealth; (iv) an
658 analysis of registration models for providers who may provide care for patients via telehealth
659 with the provider located in one state and the patient located in another state, provided that said
660 analysis would include delineation of provider responsibilities for registration and reporting to
661 state professional licensure boards; (v) an analysis of impacts to health care quality, cost and
662 access resulting from other states' entry into a medical licensure compact, as well as anticipated
663 impacts to health care quality, cost and access associated with entry into an interstate medical
664 licensure compact; (vi) evaluations of barriers and solutions regarding prescribing across state
665 lines; (vii) evaluations of the feasibility of a regional reciprocity agreement allowing

telemedicine across state lines both for existing patient provider relationships and/or the establishment of new relationships; (viii) evaluations of the feasibility of the establishment of interstate proxy credentialing; (ix) recommendations to support the continuity of care for patients utilizing telehealth across state lines including but not limited to recommendations to support the continuity of care for people aged 25 and under when providing telehealth across state lines; (x) consideration of the recommendations from the Federation of State Medical Boards Workgroup on telemedicine, the Telehealth Act developed by the Uniform Law Commission, model legislation developed by the American Medical Association, the interstate medical licensure compact, and/or other reciprocity agreements including the medical licensure reciprocity agreement between the states of Maryland and Virginia and the District of Columbia.

(c) The task force shall submit its recommendations to the governor and the clerks of the house of representatives and the senate not later than October 1, 2025.

SECTION 35. (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish a task force to address barriers and impediments to the practice of telehealth by health professionals across state lines including advanced practice registered nurses, physician assistants, behavioral and allied health professions, and other health professions licensed or certified by the Department of Public Health. The task force shall consist of: the secretary of the executive office of health and human services or a designee who shall serve as chair; the commissioner of the department of public health or a designee; the commissioner of the department of mental health or a designee; the executive director of the board of registration in nursing or a designee; a representative of the bureau of health professions licensure at the department of public health; and 12 persons to be appointed by the secretary of the executive office of health and human services representing

689 organizations that represent advanced practice registered nurses, physician assistants, hospitals,
690 patients, social workers, behavioral health professions, allied health professions, telehealth and
691 other healthcare professionals licensed or certified by the Department of Public Health.

692 (b) The task force shall: i) investigate interstate license reciprocity models with other
693 nearby states for advanced practice registered nurses, physician assistants, behavioral health,
694 social workers, allied health and other health professionals licensed or certified by the
695 Department of Public Health to ensure that there is sufficient access for professionals throughout
696 the region and ensure that continuity of care for patients is achieved for patients that access
697 services in state's throughout the region; ii) consider recommendations to support the continuity
698 of care for patients utilizing telehealth across state lines including but not limited to
699 recommendations to support the continuity of care for children and adolescents when providing
700 telehealth across state lines; and iii) examine registration models for providers who may provide
701 care for patients via telehealth with the provider located in one state and the patient located in
702 another state. Such examination would include delineation of provider responsibilities for
703 registration and reporting to state professional licensure boards.

704 (c) The task force shall submit its recommendations to the governor and the clerks of the
705 house of representatives and the senate not later than February 1, 2026.

706 SECTION 36. There shall be a special commission to study and make recommendations
707 on ways to address the inequity of health outcomes and digital access through the recruitment
708 and implementation of digital health navigators.

709 The commission shall consist of: the chairs of the joint committee on economic
710 development and emerging technologies and the joint committee on public health who shall

711 serve as co-chairs; 1 member appointed by the speaker of the house of representatives; 1 member
712 appointed by the minority leader of the house of representatives; 1 member appointed by the
713 senate president; 1 member appointed by the minority leader of the senate; the secretary of
714 technology services and security or a designee; the chief information technology accessibility
715 officer or a designee; the executive director of Mass Digital or a designee; 1 member who shall
716 be a representative of the interoperable communications bureau within the executive office of
717 technology services and security; 1 member who shall be a representative of the Massachusetts
718 Broadband Institute; 1 member who shall be a representative of the Department of Public Health;
719 1 member who shall be a representative of the Executive Office of Aging and Independence; 3
720 members appointed by the governor who shall be digital health navigators from diverse
721 geographic backgrounds in Massachusetts; and 9 additional representatives, including, but not
722 limited to, representatives from organizations advocating for digital equity in the western region
723 of the commonwealth, behavioral health organizations, human service providers, community
724 health workers, municipalities, hospitals and health systems, physician practices, community
725 health centers, workforce boards, and patients who have utilized digital health navigation
726 services.

727 The commission shall consider:

728 (i) defining how statewide residents' needs can be met by digital health navigation
729 services within the broader goal of digital equity;

730 (ii) defining the scope, social determinants of health and quality of life outcomes, and
731 methods for funding digital health navigators including private and public contracting and state
732 grantmaking;

733 (iii) qualifications and standards of digital health navigator services, including a process
734 for a statewide credentialing program for digital health navigators;

735 (iv) conduct data collection of current regional initiatives across the state to understand
736 opportunities, implementation design, and statewide efficiencies;

737 (v) any other considerations determined to be relevant by the commission. The
738 commission shall file a report and recommendations, including any legislation necessary to
739 implement its recommendations, with the clerks of the house of representatives and the senate
740 not later than June 30, 2026.

741 SECTION 37. Sections 77 and 79 of Chapter 260 of the Acts of 2020 are hereby
742 repealed.