

1 **TELEPSYCHIATRIC CONSULTATION ACCESS**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Eliason**

6 Senate Sponsor: Curtis S. Bramble

7

LONG TITLE

8 **General Description:**

9 This bill amends the Insurance Code to provide health benefit plan coverage for the use
10 of telepsychiatric consultations.
11

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
15 ▶ requires the state Medicaid program to reimburse for telepsychiatric consultations;

16 and

- 17 ▶ requires a health benefit plan offered or renewed in the individual or large group
18 market to provide coverage for the use of physician-to-physician psychiatric
19 consultations using telehealth services.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **26-18-13.5**, as enacted by Laws of Utah 2017, Chapter 241

27 ENACTS:



28 31A-22-647, Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 26-18-13.5 is amended to read:

32 **26-18-13.5. Mental health telehealth services -- Reimbursement -- Reporting.**

33 (1) As used in this section:

34 (a) "Mental health therapy" means the same as the term "practice of mental health
35 therapy" is defined in Section 58-60-102.

36 (b) "Mental illness" means a mental or emotional condition defined in an approved
37 diagnostic and statistical manual for mental disorders generally recognized in the professions of
38 mental health therapy listed in Section 58-60-102.

39 (c) "Telehealth services" means the same as that term is defined in Section 26-60-102.

40 (d) "Telemedicine services" means the same as that term is defined in Section
41 26-60-102.

42 (e) "Telepsychiatric consultation" means a consultation between a physician and a
43 board certified psychiatrist, both of whom are licensed to engage in the practice of medicine in
44 the state, that utilizes:

45 (i) a written, evidence-based patient questionnaire; and

46 (ii) telehealth services that:

47 (A) use asynchronous store and forward transfer or use synchronous interaction; and

48 (B) meet industry security and privacy standards, including compliance with the federal
49 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
50 1936, as amended, and the federal Health Information Technology for Economic and Clinical
51 Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.

52 (2) This section applies to:

53 (a) a managed care organization that contracts with the Medicaid program; and

54 (b) a provider who is reimbursed for health care services under the Medicaid program.

55 (3) The Medicaid program shall reimburse for personal mental health therapy office
56 visits provided through telemedicine services at a rate set by the Medicaid program.

57 (4) Before December 1, 2017, the department shall report to the Legislature's Public
58 Utilities, Energy, and Technology Interim Committee and Health Reform Task Force on:

- 59 (a) the result of the reimbursement requirement described in Subsection (3);
60 (b) existing and potential uses of telehealth and telemedicine services;
61 (c) issues of reimbursement to a provider offering telehealth and telemedicine services;
62 (d) potential rules or legislation related to:
63 (i) providers offering and insurers reimbursing for telehealth and telemedicine services;
64 and
65 (ii) increasing access to health care, increasing the efficiency of health care, and
66 decreasing the costs of health care; and
67 (e) the department's efforts to obtain a waiver from the federal requirement that
68 telemedicine communication be face-to-face communication.

69 (5) The Medicaid program shall reimburse for telepsychiatric consultations at a rate set
70 by the Medicaid program.

71 Section 2. Section 31A-22-647 is enacted to read:

72 **31A-22-647. Coverage of telepsychiatric consultations.**

73 (1) As used in this section:

74 (a) "Telehealth services" means the same as that term is defined in Section 26-60-102.

75 (b) "Telepsychiatric consultation" means a consultation between a physician and a
76 board certified psychiatrist, both of whom are licensed to engage in the practice of medicine in
77 the state, that utilizes:

78 (i) a written, evidence-based patient questionnaire; and

79 (ii) telehealth services that:

80 (A) use asynchronous store and forward transfer or use synchronous interaction; and

81 (B) meet industry security and privacy standards, including compliance with the federal
82 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.
83 1936, as amended, and the federal Health Information Technology for Economic and Clinical
84 Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended.

85 (2) A health benefit plan shall:

86 (a) provide coverage for telepsychiatric consultations;

87 (b) provide coverage for a telepsychiatric consultation from an out-of-network provider
88 if a telepsychiatric consultation is not made available to a physician within five business days
89 after the initial request is made by the physician to an in-network provider; and

90 (c) separately identify and reimburse the services described in Subsections (2)(a) and
91 (b).

Legislative Review Note
Office of Legislative Research and General Counsel