

1 **TELEMEDICINE REIMBURSEMENT AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions regarding reimbursement for telemedicine services.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the Medicaid program and the Public Employees' Benefit and Insurance

13 Program to reimburse for telemedicine services on the same basis it reimburses for
14 other health care services;

15 ▶ amends telemedicine reporting and study requirements; and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26-18-13.5**, as enacted by Laws of Utah 2017, Chapter 241

24 **26-60-105**, as enacted by Laws of Utah 2017, Chapter 241

25 **49-20-414**, as enacted by Laws of Utah 2017, Chapter 241

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



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

29 **26-18-13.5. Telemedicine services reimbursement.**

30 (1) As used in this section~~[;]~~, "telemedicine services" means the same as that term is
31 defined in Section 26-60-102.

32 [~~(a) "Mental health therapy" means the same as the term "practice of mental health~~
33 ~~therapy" is defined in Section 58-60-102.]~~

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

37 [~~(c) "Telehealth services" means the same as that term is defined in Section~~
38 ~~26-60-102.]~~

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

41 (2) This section applies to:

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

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

44 (3) The Medicaid program shall reimburse for ~~[personal mental health therapy office~~
45 ~~visits provided through]~~ telemedicine services ~~[at a rate set by the Medicaid program]~~ on the
46 same basis that the Medicaid program reimburses for other health care services.

47 (4) Before ~~[December 1, 2017]~~ November 1, 2018, the department shall report to the
48 Legislature's Public Utilities, Energy, and Technology Interim Committee and Health Reform
49 Task Force on:

50 (a) the result of the reimbursement requirement described in Subsection (3);

51 (b) existing and potential uses of telehealth and telemedicine services;

52 (c) issues of reimbursement to a provider offering telehealth and telemedicine services;

53 (d) potential rules or legislation related to:

54 (i) providers offering and insurers reimbursing for telehealth and telemedicine services;

55 and

56 (ii) increasing access to health care, increasing the efficiency of health care, and
57 decreasing the costs of health care; and

58 (e) the department's efforts to obtain a waiver from the federal requirement that

59 telemedicine communication be face-to-face communication.

60 Section 2. Section **26-60-105** is amended to read:

61 **26-60-105. Study by Public Utilities, Energy, and Technology Interim Committee**
62 **and Health Reform Task Force.**

63 The Legislature's Public Utilities, Energy, and Technology Interim Committee and
64 Health Reform Task Force shall receive the reports required in Sections **26-18-13.5** and
65 **49-20-414** and, during the 2018 interim, study:

66 (1) the result of the reimbursement requirement described in Sections **26-18-13.5** and
67 **49-20-414**;

68 (2) practices and efforts of private health care facilities, health care providers,
69 self-funded employers, third-party payors, and health maintenance organizations to reimburse
70 for telehealth services;

71 (3) existing and potential uses of telehealth and telemedicine services;

72 (4) issues of reimbursement to a provider offering telehealth and telemedicine services;

73 and

74 (5) potential rules or legislation related to:

75 (a) providers offering and insurers reimbursing for telehealth and telemedicine
76 services; and

77 (b) increasing access to health care, increasing the efficiency of health care, and
78 decreasing the costs of health care.

79 Section 3. Section **49-20-414** is amended to read:

80 **49-20-414. Telemedicine services reimbursement.**

81 (1) As used in this section:

82 [~~(a) "Mental health therapy" means the same as the term "practice of mental health~~
83 ~~therapy" is defined in Section **58-60-102**.]~~

84 [~~(b) "Mental illness" means the same as that term is defined in Section **26-18-13.5**.]~~

85 [~~(c)~~] (a) "Network provider" means a health care provider who has an agreement with
86 the program to provide health care services to a patient with an expectation of receiving
87 payment, other than coinsurance, copayments, or deductibles, directly from the managed care
88 organization.

89 [~~(d) "Telehealth services" means the same as that term is defined in Section~~

90 ~~26-60-102:]~~

91 ~~(e)~~ (b) "Telemedicine services" means the same as that term is defined in Section

92 ~~26-60-102.~~

93 (2) This section applies to the risk pool established for the state under Subsection

94 ~~49-20-201(1)(a).~~

95 (3) The program shall reimburse a network provider for ~~[personal mental health~~
96 ~~therapy office visits provided through]~~ telemedicine services ~~[at a rate set by the program]~~ on
97 the same basis that the program reimburses the network provider for other health care services.

98 (4) Before ~~[December 1, 2017]~~ November 1, 2018, the program shall report to the
99 Legislature's Public Utilities, Energy, and Technology Interim Committee and Health Reform
100 Task Force on:

- 101 (a) the result of the reimbursement requirement described in Subsection (3);
- 102 (b) existing and potential uses of telehealth and telemedicine services;
- 103 (c) issues of reimbursement to a provider offering telehealth and telemedicine services;

104 and

- 105 (d) potential rules or legislation related to:
 - 106 (i) providers offering and insurers reimbursing for telehealth and telemedicine services;

107 and

- 108 (ii) increasing access to health care, increasing the efficiency of health care, and
109 decreasing the costs of health care.