

Representative Ken Ivory proposes the following substitute bill:

TELEMEDICINE REIMBURSEMENT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding reimbursement for telemedicine services.

Highlighted Provisions:

This bill:

- ▶ requires the Medicaid program and the Public Employees' Benefit and Insurance Program to reimburse for certain telemedicine services at rates described in this bill;
- ▶ amends telemedicine reporting and study requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



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

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

28 **26-18-13.5. Telemedicine services reimbursement.**

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

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

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

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

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

40 (2) This section applies to:

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

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

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

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

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

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

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

52 (d) potential rules or legislation related to:

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

54 and

55 (ii) increasing access to health care, increasing the efficiency of health care, and

56 decreasing the costs of health care; and

57 (e) the department's efforts to obtain a waiver from the federal requirement that
58 telemedicine communication be face-to-face communication.

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

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

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

65 (1) the result of the reimbursement requirement described in Sections [26-18-13.5](#) and
66 [49-20-414](#);

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

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

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

73 (5) potential rules or legislation related to:

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

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

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

79 **49-20-414. Telemedicine services reimbursement.**

80 (1) As used in this section:

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

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

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

88 ~~[(d) "Telehealth services" means the same as that term is defined in Section~~
89 ~~26-60-102.]~~

90 ~~[(e)]~~ (b) "Telemedicine services" means the same as that term is defined in Section
91 ~~26-60-102.~~

92 (2) This section applies to the risk pool established for the state under Subsection
93 ~~49-20-201(1)(a).~~

94 (3) The program shall, at the provider's request, reimburse a network provider for
95 ~~[personal mental health therapy office visits provided through]~~ telemedicine services ~~[at a rate~~
96 ~~set by the program]~~ at a commercially reasonable rate.

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

- 100 (a) the result of the reimbursement requirement described in Subsection (3);
- 101 (b) existing and potential uses of telehealth and telemedicine services;
- 102 (c) issues of reimbursement to a provider offering telehealth and telemedicine services;
- 103 and
- 104 (d) potential rules or legislation related to:
 - 105 (i) providers offering and insurers reimbursing for telehealth and telemedicine services;
 - 106 and
 - 107 (ii) increasing access to health care, increasing the efficiency of health care, and
 - 108 decreasing the costs of health care.