

1 **TELEMEDICINE REIMBURSEMENT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: Kirk A. Cullimore

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 to reimburse for certain telemedicine services at
13 rates set by the Medicaid program;
- 14 ▶ requires the Public Employees' Benefit and Insurance Program to reimburse for
15 certain telemedicine services at commercially reasonable rates;
- 16 ▶ amends telemedicine reporting and study requirements; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **26-18-13.5**, as last amended by Laws of Utah 2018, Chapter 119

25 **26-60-105**, as enacted by Laws of Utah 2017, Chapter 241

26 **49-20-414**, as enacted by Laws of Utah 2017, Chapter 241



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

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

30 **26-18-13.5. Mental health telehealth services -- Reimbursement -- Reporting --**
31 **Telepsychiatric consultations.**

32 (1) As used in this section:

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

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

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

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

42 ~~[(e)]~~ (c) "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) the health records of the patient, provided from the patient or the referring
46 physician;

47 (ii) a written, evidence-based patient questionnaire; and

48 (iii) telehealth services that meet industry security and privacy standards, including
49 compliance with the:

50 (A) Health Insurance Portability and Accountability Act; and

51 (B) Health Information Technology for Economic and Clinical Health Act, Pub. L. No.
52 111-5, 123 Stat. 226, 467, as amended.

53 (2) This section applies to:

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

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

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

59 (4) Before [~~December 1, 2017~~] November 1, 2019, the department shall report to the
60 Legislature's Public Utilities, Energy, and Technology Interim Committee and Health Reform
61 Task Force on:

- 62 (a) the result of the reimbursement requirement described in Subsection (3);
- 63 (b) existing and potential uses of telehealth and telemedicine services;
- 64 (c) issues of reimbursement to a provider offering telehealth and telemedicine services;
- 65 (d) potential rules or legislation related to:
- 66 (i) providers offering and insurers reimbursing for telehealth and telemedicine services;

67 and

- 68 (ii) increasing access to health care, increasing the efficiency of health care, and
69 decreasing the costs of health care; and

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

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

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

75 **26-60-105. Study by Public Utilities, Energy, and Technology Interim Committee**
76 **and Health Reform Task Force.**

77 The Legislature's Public Utilities, Energy, and Technology Interim Committee and
78 Health Reform Task Force shall receive the reports required in Sections [26-18-13.5](#) and
79 [49-20-414](#) and, during the 2019 interim, study:

- 80 (1) the result of the reimbursement requirement described in Sections [26-18-13.5](#) and
81 [49-20-414](#);

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

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

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

87 and

- 88 (5) potential rules or legislation related to:

- 89 (a) providers offering and insurers reimbursing for telehealth and telemedicine

90 services; and

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

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

94 **49-20-414. Mental health telemedicine services -- Reimbursement -- Reporting.**

95 (1) As used in this section:

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

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

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

103 [~~(d) "Telehealth services" means the same as that term is defined in Section
104 26-60-102.~~]

105 [~~(e)~~] (b) "Telemedicine services" means the same as that term is defined in Section
106 26-60-102.

107 (2) This section applies to the risk pool established for the state under Subsection
108 49-20-201(1)(a).

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

112 (4) Before [~~December 1, 2017~~] November 1, 2019, the program shall report to the
113 Legislature's Public Utilities, Energy, and Technology Interim Committee and Health Reform
114 Task Force on:

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

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

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

118 [~~and~~]

119 (d) potential rules or legislation related to:

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

121 and

122 (ii) increasing access to health care, increasing the efficiency of health care, and
123 decreasing the costs of health care[-]; and

124 (e) telemedicine services that the program declined to cover because the telemedicine
125 services that were requested were not medically appropriate.