

TELEMEDICINE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill amends provisions relating to reimbursement for telemedicine services.

Highlighted Provisions:

This bill:

► requires a health insurer to reimburse for telemedicine services at 90% or more of the rate that is paid for the equivalent in-person service if the network provider also provides the health care service in-person in the state.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

31A-22-649.5, as last amended by Laws of Utah 2021, Chapters 19, 404 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 404

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

Section 1. Section **31A-22-649.5** is amended to read:

31A-22-649.5. Insurance parity for telemedicine services -- Method of technology used.



28 (1) As used in this section:

29 (a) "Mental health condition" means a mental disorder or a substance-related disorder
30 that falls under a diagnostic category listed in the Diagnostic and Statistical Manual, as
31 periodically revised.

32 (b) "Telemedicine services" means the same as that term is defined in Section
33 26-60-102.

34 (2) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
35 offered in the individual market, the small group market, or the large group market shall:

36 (a) provide coverage for:

37 (i) telemedicine services that are covered by Medicare; and

38 (ii) treatment of a mental health condition through telemedicine services if:

39 (A) the health benefit plan provides coverage for the treatment of the mental health
40 condition through in-person services; and

41 (B) the health benefit plan determines treatment of the mental health condition through
42 telemedicine services meets the appropriate standard of care; ~~and~~

43 (b) reimburse a network provider that provides the telemedicine services described in
44 Subsection (2)(a) at a negotiated commercially reasonable rate[-]; and

45 (c) for a health benefit plan entered into or renewed on or after January 1, 2024, if a
46 network provider also provides health care services at an in-person location in the state,

47 reimburse the telemedicine services described in Subsection (2)(a) that are delivered by the
48 network provider ~~H→~~ , other than for telemedicine services related to urgent care as defined in

48a 29 C.F.R. Sec. 2560.503-1, ←H at a rate that is at least 90% of the rate that is paid to the network
48b provider for

49 the same health care service that is delivered in-person.

50 (3) (a) Notwithstanding Section 31A-45-303, a health benefit plan providing coverage
51 under Subsection (2)(a) may not impose originating site restrictions, geographic restrictions, or
52 distance-based restrictions.

53 (b) A network provider that provides the telemedicine services described in Subsection
54 (2)(a) may utilize any synchronous audiovisual technology for the telemedicine services that is
55 compliant with the federal Health Insurance Portability and Accountability Act of 1996.