

Representative Jon Hawkins proposes the following substitute bill:

TELEMEDICINE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions relating to reimbursement for telemedicine services.

Highlighted Provisions:

This bill:

- ▶ makes technical corrections;
- ▶ conditionally requires a health benefit plan to reimburse a provider for delivering

telemedicine services at a rate that is at minimum 90% of the rate the plan reimburses the provider for delivering the same services in-person in Utah.

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 2023, Chapter 328

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

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

1st Sub. H.B. 267



26 **31A-22-649.5. Insurance parity for telemedicine services -- Method of technology**
27 **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~~]
31 Diagnostic and Statistical Manual of Mental Disorders, as periodically revised.

32 (b) "Telemedicine services" means the same as that term is defined in Section
33 26B-4-704.

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, at a minimum, 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, 2025,
46 reimburse the network provider for telemedicine services at a rate that is at minimum 90% of
47 the rate that is paid to the network provider for the same health care services when delivered
48 in-person in Utah, if:

49 (i) the network provider is the patient's provider and not exclusively an online
50 telemedicine provider;

51 (ii) the network provider delivers health care services in-person within the state; and

52 (iii) the services provided are not telemedicine services related to urgent care, as
53 defined in 29 C.F.R. Sec. 2560.503-1.

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

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

60 Section 2. **Effective date.**

61 This bill takes effect on May 1, 2024.