



General Assembly

Substitute Bill No. 6838

January Session, 2007

* HB06838PH_HS_031207 *

AN ACT CONCERNING THE USE OF TELEMEDICINE TO PROMOTE EFFICIENCY IN THE DELIVERY OF HEALTH CARE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2007*) (a) As used in sections 1 to 5,
2 inclusive, of this act, "health care provider" means a person licensed to
3 practice under chapter 370, 372, 373, 375, 376c, 377, 378, 379, 380 or 382
4 of the general statutes; and "telemedicine" means the delivery of health
5 care services and any diagnosis, consultation or treatment using
6 interactive audio, interactive video or interactive data communication,
7 and includes the types of services described in subsection (d) of section
8 20-9 of the general statutes.

9 (b) Prior to the delivery of health care services to a patient through
10 telemedicine for the first time, a health care provider shall (1) have in
11 person contact with the patient, and (2) obtain verbal and written
12 informed consent from the patient or the patient's legal representative.
13 The informed consent procedure shall ensure that at least all of the
14 following information is given to the patient or the patient's legal
15 representative verbally and in writing:

16 (A) The patient retains the option to refuse the delivery of health
17 care services via telemedicine at any time without affecting the
18 patient's right to future care or treatment and without risking the loss
19 or withdrawal of any program benefits to which the patient would

20 otherwise be entitled;

21 (B) All applicable confidentiality protections apply to telemedicine
22 services;

23 (C) All medical reports resulting from telemedicine services are part
24 of a patient's health record and shall be made available to the patient in
25 accordance with the provisions of sections 19a-490b and 20-7c of the
26 general statutes; and

27 (D) A description of the potential risks, consequences and benefits
28 of telemedicine.

29 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) To the extent permitted by
30 federal law and except as provided in subsection (b) of section 1 of this
31 act, on and after July 1, 2007, in person contact between a health care
32 provider and a patient shall not be required for health care services
33 delivered through telemedicine under the HUSKY Plan, Part A or the
34 HUSKY Plan, Part B, the state-administered general assistance plan or
35 the state Medicaid plan, provided such health care services are
36 otherwise eligible for reimbursement under the HUSKY Plan, Part A or
37 the HUSKY Plan, Part B, the state-administered general assistance
38 plan or the state Medicaid plan, as appropriate.

39 (b) The Commissioner of Social Services, in consultation with the
40 Commissioner of Public Health, shall adopt regulations, in accordance
41 with the provisions of chapter 54 of the general statutes, establishing
42 rates for transmission cost reimbursement for telemedicine services
43 provided to enrollees of the HUSKY Plan, Part A and Part B and
44 Medicaid and state-administered general assistance recipients,
45 considering, to the extent applicable, reductions in travel costs by
46 health care providers and patients to deliver or to access health care
47 services and such other factors as the Commissioner of Social Services
48 deems relevant.

49 Sec. 3. (NEW) (*Effective October 1, 2007*) Each individual health
50 insurance policy providing coverage of the type specified in

51 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general
52 statutes delivered, issued for delivery, amended, renewed or
53 continued in this state on or after October 1, 2007, shall provide
54 coverage for telemedicine services that meet the requirements of
55 section 1 of this act, provided such health care services are otherwise
56 covered under the policy.

57 Sec. 4. (NEW) (*Effective October 1, 2007*) Each group health insurance
58 policy providing coverage of the type specified in subdivisions (1), (2),
59 (4), (11) and (12) of section 38a-469 of the general statutes delivered,
60 issued for delivery, amended, renewed or continued in this state on or
61 after October 1, 2007, shall provide coverage for telemedicine services
62 that meet the requirements of section 1 of this act, provided such
63 health care services are otherwise covered under the policy.

64 Sec. 5. (NEW) (*Effective July 1, 2007*) (a) On or before October 1, 2008,
65 the Department of Public Health shall establish one or more two-year
66 pilot programs to (1) investigate the feasibility and appropriateness of
67 using telemedicine to manage and treat patients with (A) congestive
68 heart failure, (B) diabetes, its indicative conditions, or both, and (C)
69 chronic obstructive pulmonary disease, and (2) develop methods and
70 procedures for preventing fraud, abuse and overuse of telemedicine
71 services. The Commissioner of Public Health shall contract, through a
72 request for proposal process, with one or more entities to operate the
73 pilot program or programs in accordance with this section. Each
74 proposal shall include a detailed description of the entity's plan for
75 administering the pilot program and methods and procedures for data
76 collection and reporting.

77 (b) The course of treatment for any patient selected to participate in
78 a pilot program under this section shall not differ from the usual and
79 customary course of treatment for such patient if the patient had not
80 participated in such pilot program.

81 (c) In selecting patients to participate in a pilot program authorized
82 under this section, the entity shall consider the following factors: (1)

83 The nature of the patient's medical condition and whether it has or will
 84 require health care services of unusually high frequency, urgency or
 85 duration, (2) the patient's cognitive ability, (3) whether the patient
 86 resides in a medically underserved area, (4) whether the patient has
 87 support from a relative or other caregiver, and (5) whether the patient
 88 has access to telecommunications technology services.

89 (d) The Commissioner of Public Health shall evaluate the pilot
 90 program or programs established under this section and shall submit a
 91 report of the commissioner's findings and recommendations to the
 92 joint standing committee of the General Assembly having cognizance
 93 of matters relating to public health, not later than December 31, 2010,
 94 in accordance with the provisions of section 11-4a of the general
 95 statutes. Such report shall include an evaluation of the data collected
 96 with respect to improved chronic disease management and cost
 97 savings, based on patient outcomes.

98 (e) Nothing in this section shall be construed to alter the scope of
 99 practice of any health care provider.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>July 1, 2007</i>	New section

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Joint Favorable Subst. C/R

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