



General Assembly

January Session, 2015

Committee Bill No. 467

LCO No. 5915



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE FACILITATION OF TELEHEALTH.

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Asynchronous" means the use of a camera or other similar
4 device to capture images to be recorded and then transmitted to
5 another site for review at a later time.

6 (2) "Facility fee" has the same meaning as in section 19a-508c of the
7 general statutes.

8 (3) "Medical history" means information, including, but not limited
9 to, a patient's past illnesses, medications, hospitalizations, family
10 history of illness if known, the name and address of the patient's
11 primary care physician if known and other matters relating to the
12 health condition of the patient at the time of a telehealth interaction.

13 (4) "Originating site" means a site at which a patient is located at the
14 time health care services are provided to the patient by means of

15 telehealth.

16 (5) "Peripheral devices" means the instruments a telehealth provider
17 uses to perform a patient exam, including, but not limited to,
18 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,
19 thermometer, tongue depressor and reflex hammer.

20 (6) "Remote patient monitoring" means the personal health and
21 medical data collection from a patient in one location via electronic
22 communication technologies that is then transmitted to a telehealth
23 provider located at a distant site for the purpose of healthcare
24 monitoring to assist the effective management of the patient's
25 treatment, care and related support.

26 (7) "Store and forward transfer" means the asynchronous
27 transmission of a patient's medical information from an originating site
28 to the telehealth provider at a distant site.

29 (8) "Synchronous" means real-time interactive video.

30 (9) "Telehealth" means the mode of delivering health care or other
31 health services via information and communication technologies to
32 facilitate the diagnosis, consultation and treatment, education, care
33 management and self-management of a patient's physical and mental
34 health, and includes (A) interaction between the patient at the
35 originating site and the telehealth provider at a distant site, and (B)
36 synchronous interactions, asynchronous store and forward transfers
37 and remote patient monitoring. Telehealth does not include the use of
38 facsimile, audio-only telephone or electronic mail.

39 (10) "Telehealth provider" means any physician licensed under
40 chapter 370 of the general statutes, psychiatrist licensed under chapter
41 370 of the general statutes, advanced practice registered nurse licensed
42 under chapter 378 of the general statutes, physician assistant licensed
43 under chapter 370 of the general statutes, psychologist licensed under
44 chapter 383 of the general statutes, marital and family therapist

45 licensed under chapter 383a of the general statutes, clinical social
46 worker or master social worker licensed under chapter 383b of the
47 general statutes, alcohol and drug counselor licensed under chapter
48 376b of the general statutes, professional counselor licensed under
49 chapter 383c of the general statutes or dietitian-nutritionist certified
50 under chapter 384b of the general statutes, who is providing health
51 care or other health services through the use of telehealth within such
52 person's scope of practice and in accordance with the standard of care
53 applicable to the profession.

54 (b) (1) A telehealth provider shall only provide telehealth services to
55 a patient when the telehealth provider: (A) Is communicating through
56 face-to-face interactive, two-way or real-time communication
57 technology or store and forward technologies; (B) has access to or
58 knowledge of the patient's medical history, as provided by the patient,
59 or the patient's medical record, including the name and address of the
60 patient's primary care physician; (C) conforms to the standard of care
61 applicable to the telehealth provider's profession and expected for in-
62 person care as appropriate to the patient's age and presenting
63 condition, except when the standard of care requires the use of
64 diagnostic testing and performance of a physical examination, such
65 testing or examination may be carried out through the use of
66 peripheral devices appropriate to the patient's condition; and (D)
67 provides the patient with the telehealth's provider license number and
68 contact information.

69 (2) At the time of the telehealth provider's first telehealth interaction
70 with a patient, the telehealth provider shall inform the patient
71 concerning the treatment methods and limitations of treatment using a
72 telehealth platform and, after providing the patient with such
73 information, obtain the patient's consent to provide telehealth services.
74 The telehealth provider shall document such notice and consent in the
75 patient's medical record.

76 (c) Notwithstanding the provisions of this section or title 20 of the

77 general statutes, no telehealth provider shall prescribe schedule I, II or
78 III controlled substances through the use of telehealth.

79 (d) Each telehealth provider shall, upon the patient's request,
80 provide records of any telehealth interaction between such provider
81 and such patient to the patient, in a timely manner, in accordance with
82 the provisions of sections 20-7c to 20-7e, inclusive, of the general
83 statutes.

84 (e) The provision of telehealth services and medical records
85 maintained and disclosed as part of a telehealth interaction shall
86 comply with the provisions of the Health Insurance Portability and
87 Accountability Act of 1996 P.L. 104-191, as amended from time to time.

88 (f) Nothing in this section shall prohibit: (1) A health care provider
89 from providing on-call coverage pursuant to an agreement with
90 another health care provider or such health care provider's
91 professional entity or employer; (2) a health care provider from
92 consulting with another health care provider concerning a patient's
93 care; or (3) orders of health care providers for hospital outpatients or
94 inpatients. For purposes of this subsection, "health care provider"
95 means a person or entity licensed or certified pursuant to chapters 370,
96 372, 373, 375, 378 or 379 of the general statutes or licensed or certified
97 pursuant to chapter 368d or 384d of the general statutes.

98 (g) No telehealth provider shall charge a facility fee for telehealth
99 services.

100 Sec. 2. (NEW) (*Effective January 1, 2016*) (a) As used in this section,
101 "telehealth" has the same meaning provided in section 1 of this act.

102 (b) Each individual health insurance policy providing coverage of
103 the type specified in subdivisions (1), (2), (4), (11) and (12) of section
104 38a-469 of the general statutes delivered, issued for delivery, renewed,
105 amended or continued in this state shall provide coverage for medical
106 advice, diagnosis, care or treatment provided through telehealth, to the

107 extent coverage is provided for such advice, diagnosis, care or
108 treatment when provided through in-person consultation between the
109 insured and a health care provider. Such coverage shall be subject to
110 the same terms and conditions applicable to all other benefits under
111 such policy.

112 (c) No such policy shall: (1) Exclude a service for coverage solely
113 because such service is provided only through telehealth and not
114 through in-person consultation between the insured and a health care
115 provider, provided telehealth is appropriate for the provision of such
116 service; or (2) be required to reimburse a treating or consulting health
117 care provider for the technical fees or technical costs for the provision
118 of telehealth services.

119 (d) Nothing in this section shall prohibit or limit a health insurer,
120 health care center, hospital service corporation, medical service
121 corporation or other entity from conducting utilization review for
122 telehealth services, provided such utilization review is conducted in
123 the same manner and uses the same clinical review criteria as a
124 utilization review for an in-person consultation for the same service.
125 No such insurer, center, corporation or other entity shall require
126 preauthorization for emerging telehealth services.

127 Sec. 3. (NEW) (*Effective January 1, 2016*) (a) As used in this section,
128 "telehealth" has the same meaning provided in section 1 of this act.

129 (b) Each group health insurance policy providing coverage of the
130 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
131 469 of the general statutes delivered, issued for delivery, renewed,
132 amended or continued in this state shall provide coverage for medical
133 advice, diagnosis, care or treatment provided through telehealth, to the
134 extent coverage is provided for such advice, diagnosis, care or
135 treatment when provided through in-person consultation between the
136 insured and a health care provider. Such coverage shall be subject to
137 the same terms and conditions applicable to all other benefits under
138 such policy.

139 (c) No such policy shall: (1) Exclude a service for coverage solely
140 because such service is provided only through telehealth and not
141 through in-person consultation between the insured and a health care
142 provider, provided telehealth is appropriate for the provision of such
143 service; or (2) be required to reimburse a treating or consulting health
144 care provider for the technical fees or technical costs for the provision
145 of telehealth services.

146 (d) Nothing in this section shall prohibit or limit a health insurer,
147 health care center, hospital service corporation, medical service
148 corporation or other entity from conducting utilization review for
149 telehealth services, provided such utilization review is conducted in
150 the same manner and uses the same clinical review criteria as a
151 utilization review for an in-person consultation for the same service.
152 No such insurer, center, corporation or other entity shall require
153 preauthorization for emerging telehealth services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section
Sec. 2	January 1, 2016	New section
Sec. 3	January 1, 2016	New section

Statement of Purpose:

To prescribe standards for the practice of, and health insurance coverage for, telehealth.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
SEN. CRISCO, 17th Dist.; SEN. GERRATANA, 6th Dist.

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