



General Assembly

February Session, 2018

Raised Bill No. 302

LCO No. 1491



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING TELEHEALTH SERVICES.

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

1 Section 1. Section 19a-906 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) As used in this section:

4 (1) "Asynchronous" means any transmission to another site for
5 review at a later time that uses a camera or other technology to capture
6 images or data to be recorded.

7 (2) "Health record" means the record of individual, health-related
8 information that may include, but need not be limited to, continuity of
9 care documents, discharge summaries and other information or data
10 relating to a patient's demographics, medical history, medication,
11 allergies, immunizations, laboratory test results, radiology or other
12 diagnostic images, vital signs and statistics.

13 (3) "Facility fee" has the same meaning as in section 19a-508c.

14 (4) "Medical history" means information, including, but not limited
15 to, a patient's past illnesses, medications, hospitalizations, family
16 history of illness if known, the name and address of the patient's
17 primary care provider if known and other matters relating to the
18 health condition of the patient at the time of a telehealth interaction.

19 (5) "Originating site" means a site at which a patient is located at the
20 time health care services are provided to the patient by means of
21 telehealth.

22 (6) "Peripheral devices" means the instruments a telehealth provider
23 uses to perform a patient exam, including, but not limited to,
24 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,
25 thermometer, tongue depressor and reflex hammer.

26 (7) "Remote patient monitoring" means the personal health and
27 medical data collection from a patient in one location via electronic
28 communication technologies that is then transmitted to a telehealth
29 provider located at a distant site for the purpose of health care
30 monitoring to assist the effective management of the patient's
31 treatment, care and related support.

32 (8) "Store and forward transfer" means the asynchronous
33 transmission of a patient's medical information from an originating site
34 to the telehealth provider at a distant site.

35 (9) "Synchronous" means real-time interactive technology.

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

45 (11) "Telehealth provider" means any physician licensed under
46 chapter 370, physical therapist licensed under chapter 376,
47 chiropractor licensed under chapter 372, naturopath licensed under
48 chapter 373, podiatrist licensed under chapter 375, occupational
49 therapist licensed under chapter 376a, optometrist licensed under
50 chapter 380, a registered nurse or advanced practice registered nurse
51 licensed under chapter 378, physician assistant licensed under chapter
52 370, psychologist licensed under chapter 383, marital and family
53 therapist licensed under chapter 383a, clinical social worker or master
54 social worker licensed under chapter 383b, alcohol and drug counselor
55 licensed under chapter 376b, professional counselor licensed under
56 chapter 383c, dietitian-nutritionist certified under chapter 384b, speech
57 and language pathologist licensed under chapter 399, respiratory care
58 practitioner licensed under chapter 381a, [or] audiologist licensed
59 under chapter 397a, or pharmacist licensed under chapter 400j, who is
60 providing health care or other health services through the use of
61 telehealth within such person's scope of practice and in accordance
62 with the standard of care applicable to the profession.

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

77 (2) At the time of the telehealth provider's first telehealth interaction
78 with a patient, the telehealth provider shall inform the patient

79 concerning the treatment methods and limitations of treatment using a
80 telehealth platform and, after providing the patient with such
81 information, obtain the patient's consent to provide telehealth services.
82 The telehealth provider shall document such notice and consent in the
83 patient's health record. If a patient later revokes such consent, the
84 telehealth provider shall document the revocation in the patient's
85 health record.

86 (c) Notwithstanding the provisions of this section or title 20, no
87 telehealth provider shall prescribe schedule I, II or III controlled
88 substances through the use of telehealth.

89 (d) Each telehealth provider shall, at the time of [each] the initial
90 telehealth interaction, ask the patient whether the patient consents to
91 the [telehealth's provider] telehealth provider's disclosure of records
92 concerning the telehealth interaction to the patient's primary care
93 provider. If the patient consents to such disclosure, the telehealth
94 provider shall provide [such] records of all telehealth interactions to
95 the patient's primary care provider, in a timely manner, in accordance
96 with the provisions of sections 20-7b to 20-7e, inclusive.

97 (e) Any consent required under this section shall be obtained from
98 the patient, or the patient's legal guardian, conservator or other
99 authorized representative, as applicable.

100 [(e)] (f) The provision of telehealth services and health records
101 maintained and disclosed as part of a telehealth interaction shall
102 comply with the provisions of the Health Insurance Portability and
103 Accountability Act of 1996 P.L. 104-191, as amended from time to time.

104 [(f)] (g) Nothing in this section shall prohibit: (1) A health care
105 provider from providing on-call coverage pursuant to an agreement
106 with another health care provider or such health care provider's
107 professional entity or employer; (2) a health care provider from
108 consulting with another health care provider concerning a patient's
109 care; or (3) orders of health care providers for hospital outpatients or
110 inpatients. For purposes of this subsection, "health care provider"

111 means a person or entity licensed or certified pursuant to chapter 370,
112 372, 373, 375, 376 to 376b, inclusive, 378, 379, 380, 381a, 383 to 383c,
113 inclusive, 384b, 397a, [or] 399 or 400j, or licensed or certified pursuant
114 to chapter 368d or 384d.

115 [(g)] (h) No telehealth provider shall charge a facility fee for
116 telehealth services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	19a-906

Statement of Purpose:

To add providers who can administer telehealth services and to modify and clarify patient consent procedures.

[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.]