



General Assembly

Substitute Bill No. 302

February Session, 2018



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 Section 19a-906 of the general statutes is repealed and the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 July 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) "Facility fee" has the same meaning as in section 19a-508c.

8 [(2)] (3) "Health record" means the record of individual, health-
9 related information that may include, but need not be limited to,
10 continuity of care documents, discharge summaries and other
11 information or data relating to a patient's demographics, medical
12 history, medication, allergies, immunizations, laboratory test results,
13 radiology or other diagnostic images, vital signs and statistics.

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

15 (4) "Medical history" means information, including, but not limited
16 to, a patient's past illnesses, medications, hospitalizations, family

17 history of illness if known, the name and address of the patient's
18 primary care provider if known and other matters relating to the
19 health condition of the patient at the time of a telehealth interaction.

20 (5) "Medication-assisted treatment" means the use of medications
21 approved by the federal Food and Drug Administration, in
22 combination with counseling and behavioral therapies, to provide a
23 whole-patient approach to the treatment of substance use disorders.

24 [(5)] (6) "Originating site" means a site at which a patient is located
25 at the time health care services are provided to the patient by means of
26 telehealth.

27 [(6)] (7) "Peripheral devices" means the instruments a telehealth
28 provider uses to perform a patient exam, including, but not limited to,
29 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,
30 thermometer, tongue depressor and reflex hammer.

31 [(7)] (8) "Remote patient monitoring" means the personal health and
32 medical data collection from a patient in one location via electronic
33 communication technologies that is then transmitted to a telehealth
34 provider located at a distant site for the purpose of health care
35 monitoring to assist the effective management of the patient's
36 treatment, care and related support.

37 [(8)] (9) "Store and forward transfer" means the asynchronous
38 transmission of a patient's medical information from an originating site
39 to the telehealth provider at a distant site.

40 [(9)] (10) "Synchronous" means real-time interactive technology.

41 [(10)] (11) "Telehealth" means the mode of delivering health care or
42 other health services via information and communication technologies
43 to facilitate the diagnosis, consultation and treatment, education, care
44 management and self-management of a patient's physical and mental
45 health, and includes (A) interaction between the patient at the
46 originating site and the telehealth provider at a distant site, and (B)

47 synchronous interactions, asynchronous store and forward transfers or
48 remote patient monitoring. Telehealth does not include the use of
49 facsimile, audio-only telephone, texting or electronic mail.

50 [(11)] (12) "Telehealth provider" means any physician licensed under
51 chapter 370, physical therapist licensed under chapter 376,
52 chiropractor licensed under chapter 372, naturopath licensed under
53 chapter 373, podiatrist licensed under chapter 375, occupational
54 therapist licensed under chapter 376a, optometrist licensed under
55 chapter 380, registered nurse or advanced practice registered nurse
56 licensed under chapter 378, physician assistant licensed under chapter
57 370, psychologist licensed under chapter 383, marital and family
58 therapist licensed under chapter 383a, clinical social worker or master
59 social worker licensed under chapter 383b, alcohol and drug counselor
60 licensed under chapter 376b, professional counselor licensed under
61 chapter 383c, dietitian-nutritionist certified under chapter 384b, speech
62 and language pathologist licensed under chapter 399, respiratory care
63 practitioner licensed under chapter 381a, [or] audiologist licensed
64 under chapter 397a or pharmacist licensed under chapter 400j, who is
65 providing health care or other health services through the use of
66 telehealth within such person's scope of practice and in accordance
67 with the standard of care applicable to the profession.

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

80 to the patient's condition; and (D) provides the patient with the
81 telehealth's provider license number and contact information.

82 (2) At the time of the telehealth provider's first telehealth interaction
83 with a patient, the telehealth provider shall inform the patient
84 concerning the treatment methods and limitations of treatment using a
85 telehealth platform and, after providing the patient with such
86 information, obtain the patient's consent to provide telehealth services.
87 The telehealth provider shall document such notice and consent in the
88 patient's health record. If a patient later revokes such consent, the
89 telehealth provider shall document the revocation in the patient's
90 health record.

91 (c) Notwithstanding the provisions of this section or title 20, no
92 telehealth provider shall prescribe any schedule I, II or III controlled
93 [substances] substance through the use of telehealth, except for the
94 treatment of a psychiatric disorder, including, but not limited to,
95 medication-assisted treatment.

96 (d) Each telehealth provider shall, at the time of [each] the initial
97 telehealth interaction, ask the patient whether the patient consents to
98 the [telehealth's provider] telehealth provider's disclosure of records
99 concerning the telehealth interaction to the patient's primary care
100 provider. If the patient consents to such disclosure, the telehealth
101 provider shall provide [such] records of all telehealth interactions to
102 the patient's primary care provider, in a timely manner, in accordance
103 with the provisions of sections 20-7b to 20-7e, inclusive.

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

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

111 ~~[(f)]~~ (g) Nothing in this section shall prohibit: (1) A health care
112 provider from providing on-call coverage pursuant to an agreement
113 with another health care provider or such health care provider's
114 professional entity or employer; (2) a health care provider from
115 consulting with another health care provider concerning a patient's
116 care; or (3) orders of health care providers for hospital outpatients or
117 inpatients. For purposes of this subsection, "health care provider"
118 means a person or entity licensed or certified pursuant to chapter 370,
119 372, 373, 375, 376 to 376b, inclusive, 378, 379, 380, 381a, 383 to 383c,
120 inclusive, 384b, 397a, ~~[or] 399 or 400j~~, or licensed or certified pursuant
121 to chapter 368d or 384d.

122 ~~[(g)]~~ (h) No telehealth provider shall charge a facility fee for
123 telehealth services.

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

PH *Joint Favorable Subst.*