



General Assembly

**Amendment**

**July Special Session, 2020**

LCO No. **3842**



Offered by:  
SEN. SAMPSON, 16<sup>th</sup> Dist.

To: House Bill No. **6001**

File No.

Cal. No.

(As Amended)

**"AN ACT CONCERNING TELEHEALTH."**

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- 1 Strike section 1 and insert the following in lieu thereof:
- 2 "Section 1. (*Effective from passage*) (a) As used in this section:
- 3 (1) "Asynchronous" has the same meaning as provided in section 19a-
- 4 906 of the general statutes.
- 5 (2) "Connecticut medical assistance program" means the state's
- 6 Medicaid program and the Children's Health Insurance program
- 7 administered by the Department of Social Services.
- 8 (3) "Facility fee" has the same meaning as provided in section 19a-
- 9 508c of the general statutes.
- 10 (4) "Health record" has the same meaning as provided in section 19a-
- 11 906 of the general statutes.

12 (5) "Medical history" has the same meaning as provided in section  
13 19a-906 of the general statutes.

14 (6) "Medication-assisted treatment" has the same meaning as  
15 provided in section 19a-906 of the general statutes.

16 (7) "Originating site" has the same meaning as provided in section  
17 19a-906 of the general statutes.

18 (8) "Peripheral devices" has the same meaning as provided in section  
19 19a-906 of the general statutes.

20 (9) "Remote patient monitoring" has the same meaning as provided  
21 in section 19a-906 of the general statutes.

22 (10) "Store and forward transfer" has the same meaning as provided  
23 in section 19a-906 of the general statutes.

24 (11) "Synchronous" has the same meaning as provided in section 19a-  
25 906 of the general statutes.

26 (12) "Telehealth" means the mode of delivering health care or other  
27 health services via information and communication technologies to  
28 facilitate the diagnosis, consultation and treatment, education, care  
29 management and self-management of a patient's physical, oral and  
30 mental health, and includes interaction between the patient at the  
31 originating site and the telehealth provider at a distant site, synchronous  
32 interactions, asynchronous store and forward transfers or remote  
33 patient monitoring, but does not include interaction through (A)  
34 facsimile, texting or electronic mail, or (B) audio-only telephone unless  
35 the telehealth provider is (i) in-network, or (ii) a provider enrolled in the  
36 Connecticut medical assistance program providing such health care or  
37 other health services to a Connecticut medical assistance program  
38 recipient.

39 (13) "Telehealth provider" means any person who is (A) an in-  
40 network provider or a provider enrolled in the Connecticut medical  
41 assistance program providing health care or other health services to a

42 Connecticut medical assistance program recipient through the use of  
43 telehealth within such person's scope of practice and in accordance with  
44 the standard of care applicable to such person's profession, and (B) (i) a  
45 physician or physician assistant licensed under chapter 370 of the  
46 general statutes, physical therapist or physical therapist assistant  
47 licensed under chapter 376 of the general statutes, chiropractor licensed  
48 under chapter 372 of the general statutes, naturopath licensed under  
49 chapter 373 of the general statutes, podiatrist licensed under chapter 375  
50 of the general statutes, occupational therapist or occupational therapy  
51 assistant licensed under chapter 376a of the general statutes, optometrist  
52 licensed under chapter 380 of the general statutes, registered nurse or  
53 advanced practice registered nurse licensed under chapter 378 of the  
54 general statutes, psychologist licensed under chapter 383 of the general  
55 statutes, marital and family therapist licensed under chapter 383a of the  
56 general statutes, clinical social worker or master social worker licensed  
57 under chapter 383b of the general statutes, alcohol and drug counselor  
58 licensed under chapter 376b of the general statutes, professional  
59 counselor licensed under chapter 383c of the general statutes, dietitian-  
60 nutritionist certified under chapter 384b of the general statutes, speech  
61 and language pathologist licensed under chapter 399 of the general  
62 statutes, respiratory care practitioner licensed under chapter 381a of the  
63 general statutes, audiologist licensed under chapter 397a of the general  
64 statutes, pharmacist licensed under chapter 400j of the general statutes,  
65 paramedic licensed pursuant to chapter 384d of the general statutes,  
66 nurse-midwife licensed under chapter 377 of the general statutes,  
67 dentist licensed under chapter 379 of the general statutes, behavior  
68 analyst licensed under chapter 382a of the general statutes, genetic  
69 counselor licensed under chapter 383d of the general statutes, music  
70 therapist certified in the manner described in chapter 383f of the general  
71 statutes, art therapist certified in the manner described in chapter 383g  
72 of the general statutes or athletic trainer licensed under chapter 375a of  
73 the general statutes, or (ii) an appropriately licensed, certified or  
74 registered physician, physician assistant, physical therapist, physical  
75 therapist assistant, chiropractor, naturopath, podiatrist, occupational  
76 therapist, occupational therapy assistant, optometrist, registered nurse,

77 advanced practice registered nurse, psychologist, marital and family  
78 therapist, clinical social worker, master social worker, alcohol and drug  
79 counselor, professional counselor, dietitian-nutritionist, speech and  
80 language pathologist, respiratory care practitioner, audiologist,  
81 pharmacist, paramedic, nurse-midwife, dentist, behavior analyst,  
82 genetic counselor, music therapist, art therapist or athletic trainer, in  
83 another state or territory of the United States or the District of Columbia,  
84 that provides telehealth services pursuant to his or her authority under  
85 any relevant order issued by the Commissioner of Public Health and  
86 maintains professional liability insurance or other indemnity against  
87 liability for professional malpractice in an amount that is equal to or  
88 greater than that required for similarly licensed, certified or registered  
89 Connecticut health care providers.

90 (b) (1) Notwithstanding the provisions of section 19a-906 of the  
91 general statutes, during the period beginning on the effective date of  
92 this section and ending on March 15, 2021, a telehealth provider may  
93 only provide a telehealth service to a patient when the telehealth  
94 provider:

95 (A) Is communicating through real-time, interactive, two-way  
96 communication technology or store and forward transfer technology;

97 (B) Has determined whether the patient has health coverage that is  
98 fully insured, not fully insured or provided through Medicaid or the  
99 Children's Health Insurance Program, and whether the patient's health  
100 coverage, if any, provides coverage for the telehealth service;

101 (C) Has access to, or knowledge of, the patient's medical history, as  
102 provided by the patient, and the patient's health record, including the  
103 name and address of the patient's primary care provider, if any;

104 (D) Conforms to the standard of care applicable to the telehealth  
105 provider's profession and expected for in-person care as appropriate to  
106 the patient's age and presenting condition, except when the standard of  
107 care requires the use of diagnostic testing and performance of a physical  
108 examination, such testing or examination may be carried out through

109 the use of peripheral devices appropriate to the patient's condition; and

110 (E) Provides the patient with the telehealth provider's license  
111 number, if any, and contact information.

112 (2) Notwithstanding the provisions of section 19a-906 of the general  
113 statutes, if a telehealth provider provides a telehealth service to a patient  
114 during the period beginning on the effective date of this section and  
115 ending on March 15, 2021, the telehealth provider shall, at the time of  
116 the telehealth provider's first telehealth interaction with a patient,  
117 inform the patient concerning the treatment methods and limitations of  
118 treatment using a telehealth platform, including, but not limited to, the  
119 limited duration of the relevant provisions of this section and sections 2  
120 to 5, inclusive, of this act, and, after providing the patient with such  
121 information, obtain the patient's consent to provide telehealth services.  
122 The telehealth provider shall document such notice and consent in the  
123 patient's health record. If a patient later revokes such consent, the  
124 telehealth provider shall document the revocation in the patient's health  
125 record.

126 (c) Notwithstanding the provisions of this section or title 20 of the  
127 general statutes, no telehealth provider shall, during the period  
128 beginning on the effective date of this section and ending on March 15,  
129 2021, prescribe any schedule I, II or III controlled substance through the  
130 use of telehealth, except a schedule II or III controlled substance other  
131 than an opioid drug, as defined in section 20-14o of the general statutes,  
132 in a manner fully consistent with the Ryan Haight Online Pharmacy  
133 Consumer Protection Act, 21 USC 829(e), as amended from time to time,  
134 for the treatment of a person with a psychiatric disability or substance  
135 use disorder, as defined in section 17a-458 of the general statutes,  
136 including, but not limited to, medication-assisted treatment. A  
137 telehealth provider using telehealth to prescribe a schedule II or III  
138 controlled substance pursuant to this subsection shall electronically  
139 submit the prescription pursuant to section 21a-249 of the general  
140 statutes.

141 (d) During the period beginning on the effective date of this section  
142 and ending on March 15, 2021, each telehealth provider shall, at the time  
143 of the initial telehealth interaction, ask the patient whether the patient  
144 consents to the telehealth provider's disclosure of records concerning  
145 the telehealth interaction to the patient's primary care provider. If the  
146 patient consents to such disclosure, the telehealth provider shall provide  
147 records of all telehealth interactions during such period to the patient's  
148 primary care provider, in a timely manner, in accordance with the  
149 provisions of sections 20-7b to 20-7e, inclusive, of the general statutes.

150 (e) During the period beginning on the effective date of this section  
151 and ending on March 15, 2021, any consent or revocation of consent  
152 under this section shall be obtained from or communicated by the  
153 patient, or the patient's legal guardian, conservator or other authorized  
154 representative, as applicable.

155 (f) (1) The provision of telehealth services and health records  
156 maintained and disclosed as part of a telehealth interaction shall comply  
157 with all provisions of the Health Insurance Portability and  
158 Accountability Act of 1996 P.L. 104-191, as amended from time to time,  
159 and the rules and regulations adopted thereunder, that are applicable to  
160 such provision, maintenance or disclosure.

161 (2) Notwithstanding the provisions of section 19a-906 of the general  
162 statutes and subdivision (1) of this subsection, a telehealth provider that  
163 is an in-network provider or a provider enrolled in the Connecticut  
164 medical assistance program that provides telehealth services to a  
165 Connecticut medical assistance program recipient, may, during the  
166 period beginning on the effective date of this section and ending on  
167 March 15, 2021, use any information or communication technology in  
168 accordance with the directions, modifications or revisions, if any, made  
169 by the Office for Civil Rights of the United States Department of Health  
170 and Human Services to the provisions of the Health Insurance  
171 Portability and Accountability Act of 1996 P.L. 104-191, as amended  
172 from time to time, or the rules and regulations adopted thereunder.

173 (g) Notwithstanding any provision of the general statutes, nothing in  
174 this section shall, during the period beginning on the effective date of  
175 this section and ending on March 15, 2021, prohibit a health care  
176 provider from: (1) Providing on-call coverage pursuant to an agreement  
177 with another health care provider or such health care provider's  
178 professional entity or employer; (2) consulting with another health care  
179 provider concerning a patient's care; (3) ordering care for hospital  
180 outpatients or inpatients; or (4) using telehealth for a hospital inpatient,  
181 including for the purpose of ordering medication or treatment for such  
182 patient in accordance with the Ryan Haight Online Pharmacy  
183 Consumer Protection Act, 21 USC 829(e), as amended from time to time.  
184 As used in this subsection, "health care provider" means a person or  
185 entity licensed or certified pursuant to chapter 370, 372, 373, 375, 376 to  
186 376b, inclusive, 378, 379, 380, 381a, 383 to 383c, inclusive, 384b, 397a, 399  
187 or 400j of the general statutes or licensed or certified pursuant to chapter  
188 368d or 384d of the general statutes.

189 (h) Notwithstanding any provision of the general statutes, no  
190 telehealth provider shall charge a facility fee for a telehealth service  
191 provided during the period beginning on the effective date of this  
192 section and ending on March 15, 2021.

193 (i) (1) Notwithstanding any provision of the general statutes, a  
194 telehealth provider who provides health care or health services to a  
195 patient through telehealth during the period beginning on the effective  
196 date of this section and ending on March 15, 2021, shall accept as full  
197 payment for such health care or health services:

198 (A) An amount that is equal to the amount that Medicare reimburses  
199 for such health care or health services if the telehealth provider  
200 determines that the patient does not have health coverage for such  
201 health care or health services; or

202 (B) The amount that the patient's health coverage reimburses, and  
203 any coinsurance, copayment, deductible or other out-of-pocket expense  
204 imposed by the patient's health coverage, for such health care or health

205 services if the telehealth provider determines that the patient has health  
206 coverage for such health care or health services.

207 (2) If a telehealth provider determines that a patient is unable to pay  
208 for any health care or health services described in subdivision (1) of this  
209 subsection that the provider provided to the patient through telehealth  
210 during the period described in said subdivision, the provider shall offer  
211 to the patient financial assistance, if such provider is otherwise required  
212 to offer to the patient such financial assistance, under any applicable  
213 state or federal law.

214 (j) Notwithstanding any provision of the general statutes or any  
215 regulation adopted thereunder, a telehealth provider may provide  
216 telehealth services pursuant to the provisions of this section from any  
217 location.

218 (k) Notwithstanding the provisions of section 19a-906 of the general  
219 statutes, during the period beginning on the effective date of this section  
220 and ending on March 15, 2021, any Connecticut entity, institution or  
221 health care provider that engages or contracts with a telehealth provider  
222 that is licensed, certified or registered in another state or territory of the  
223 United States or the District of Columbia to provide health care or other  
224 health services shall verify the credentials of such provider in the state  
225 in which he or she is licensed, certified or registered, ensure that such a  
226 provider is in good standing in such state, and confirm that such  
227 provider maintains professional liability insurance or other indemnity  
228 against liability for professional malpractice in an amount that is equal  
229 to or greater than that required for similarly licensed, certified or  
230 registered Connecticut health care providers.

231 (l) Notwithstanding sections 4-168 to 4-174, inclusive, of the general  
232 statutes, from the period beginning on the effective date of this section  
233 and ending on March 15, 2021, the Commissioner of Public Health may  
234 temporarily waive, modify or suspend any regulatory requirements  
235 adopted by the Commissioner of Public Health or any boards or  
236 commissions under chapters 368a, 368d, 368v, 369 to 381a, inclusive,



237 382a, 383 to 388, inclusive, 397a, 398 to 399, inclusive, 400a, 400c, 400j  
238 and 474 of the general statutes as the Commissioner of Public Health  
239 deems necessary to reduce the spread of COVID-19 and to protect the  
240 public health for the purpose of providing residents of this state with  
241 telehealth services from out-of-state practitioners."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section