

Insurance and Real Estate Committee JOINT FAVORABLE REPORT

Bill No.: SB-1022

Title: AN ACT CONCERNING TELEHEALTH.

Vote Date: 3/22/2021

Vote Action: Joint Favorable

PH Date: 3/15/2021

File No.: 366

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SPONSORS OF BILL:

Insurance and Real Estate Committee

REASONS FOR BILL:

SB 1022 will ensure proper, permanent insurance coverage for telehealth visits, which allow more people to receive necessary healthcare with fewer obstacles. The purpose of the bill is to: (1) define, and redefine, various terms concerning telehealth; (2) expand the variety of health care providers who may provide telehealth services and the circumstances under which such providers may provide such services; (3) provide that a telehealth provider (A) may only provide a telehealth service to a patient when such provider has determined whether (i) the patient has health coverage that is fully insured, not fully insured or provided through Medicaid or the Children's Health Insurance Program, and (ii) the patient's health coverage, if any, provides coverage for such service, (B) who is an in-network provider, or enrolled in the Connecticut medical assistance program and provides telehealth services to a Connecticut medical assistance program recipient, may use any information or communication technology in accordance with the directions, modifications or revisions, if any, made by the Office for Civil Rights of the United States Department of Health and Human Services to the provisions of the Health Insurance Portability and Accountability Act of 1996 P.L. 104-191, as amended from time to time, or the rules and regulations adopted thereunder, (C) who provides health care or health services to a patient through telehealth shall (i) accept, as full payment for such care or services, the amount that (I) Medicare reimburses for such care or services if such provider determines that the patient does not have health coverage for such care or services, or (II) the patient's health coverage reimburses, and any cost-sharing, for such care or services if such provider determines that the patient has health coverage for such care or services, and (ii) offer to the patient financial assistance if such provider (I) is required to offer such assistance, and (II) determines that such patient is unable to pay for such care or services, and (D) may provide telehealth services from any location; (4) require any Connecticut entity or institution that, or health care provider who, engages or contracts with a telehealth provider who is licensed, certified or

registered in another jurisdiction (A) verify such telehealth provider's credentials, (B) ensure that such telehealth provider is in good standing, and (C) confirm that such telehealth provider maintains liability insurance or other indemnity; (5) authorize the Commissioner of Public Health to temporarily waive, modify or suspend certain regulatory requirements; (6) expand required health insurance coverage for services provided through telehealth under certain individual and group health insurance policies and restrict a telehealth provider's ability to collect certain payments from insureds under such policies; and (7) provide that no health carrier shall reduce any reimbursement paid to a telehealth provider for covered health care or health services that such provider appropriately provided to an insured through telehealth because such provider provided such care or services through telehealth.

RESPONSE FROM ADMINISTRATION/AGENCY:

Ted Doolittle, Connecticut Advocate, Office of the Healthcare Advocate: Mr. Doolittle noted he is in support of the bill, but warned that telehealth providers may use the language of the bill to justify unreasonably high prices

NATURE AND SOURCES OF SUPPORT:

Several community members, including many healthcare professionals, testified on the benefits of telehealth and the importance of allowing telehealth to continue after the pandemic:

- Dr. Andrew Agwunobi, CEO, UConn Health
- Meredith Bailey, Owner, Serenity Wellness
- Dr. Ralph Balducci, Licensed Psychologist
- Kimberley L. Beauregard, CEO, InterCommunity Health Care
- Susan Bernstein, Social Worker
- Meg Bishop, Per Diem Clinician, UConn
- Roseann Bonatakais, Licensed Behavior Analyst
- Marcia Borenstein, Clinical Social Worker
- Cara C. Buciak, Licensed Clinical Social Worker
- Thomas Burr, Community and Affiliates Relations Manager, NAMI Connecticut
- Dr. Megan Butler, Licensed Clinical Psychologist
- Dan Keenan, Vice President for Advocacy and Government Relations, Trinity Health of New England
- Kristina J. Chomick, Licensed Marriage and Family Therapist
- Sandra Christianson, Licensed Marriage and Family Therapist
- Satina Conforti, Licensed Professional Counselor
- Betina M. Cornwall, Board Certified Behavioral Analyst
- Cheryl Cote, Licensed Clinical Social Worker
- Anna Davenport, Licensed Marriage and Family Therapist
- Dr. Mimi DeLessio-Matta, President-Elect, Connecticut State Dental Association
- Dr. Jennifer M. Doran, President, Connecticut Psychological Association
- Marcia DuFore, Executive Director, Amplify Inc.
- Dr. Kathleen Dyer, Licensed Behavioral Analyst
- Dr. AJ Eckert and Layne Gianakos, Anchor Health

- Robin Entress, Director of Community and Home-Based Services, Community Child Guidance Clinic
- Barbara Esposito, Licensed Psychiatric APRN
- Stephen Eversole, CT Resident
- Jorge Fernandez, Psychotherapist
- Lauren Fischer, Licensed Clinical Social Worker
- Kathleen Flaherty, Executive Director, CT Legal Rights Project Inc.
- Kristine Fornaby, Licensed Clinical Social Worker
- Ashley Starr Frechette, Director of Health Professional Outreach, CT Coalition Against Domestic Violence
- Tanesha Freeman-Kerr, Licensed Clinical Social Worker
- Laura Galindo, Licensed Marriage and Family Therapist
- Shauna Giannuzzi, Licensed Behavioral Analyst
- Carl D. Gross, Past President, CT Council of Administrators in Special Education
- Dyana Hagen, Manager, Common Ground Learning Center and Social Rehabilitation Club
- Kimberly Harrison, Hartford HealthCare
- Allen Hindin, Dentist
- Catherine Kimball, Licensed Professional Counselor
- Tam Le, President, Connecticut State Dental Association
- Sara LeMaster, Manager of Governmental Relations and Public Policy, Community Health Center Association of Connecticut
- Lois Longwell, Licensed Clinical Social Worker
- Celeste E. Mattingly, Licensed Clinical Social Worker
- Dr. John J. Mooney, Dentist
- Emily Morrison, Director of Development, United Services Inc.
- Lorraine L. Plante, Licensed Clinical Social Worker
- Jennifer Ralph, Licensed Professional Counselor
- Nancy Randall, Licensed Psychologist
- Joanne Reinhardt, Licensed Clinical Social Worker
- Dr. Richard Riddle, Dentist
- Ben Shaiken, Manager of Advocacy and Public Policy, CT Community Nonprofit Alliance
- Kathleen Silard, Stamford Health
- Rachel Stephen and Ramary Figueroa, Licensed Clinical Social Workers
- Erica Stevenson, Therapist
- Elaine Wilkinson, Licensed Master Social Worker
- Tracy Wodatch, CT Association for Healthcare at Home
- Dr. Sarah L. Evans Zalewski, President-Elect, CT Counseling Association
- Jordan Ziel, CT Resident

Several community members, including dentists and dental hygienists, testified in support of the bill but suggested an amendment to include dental hygienists in telehealth coverage:

- Ellen W. Adler, Chair Council of Regulation and Practice, American Dental Hygienists Association (CT)
- Maria Cholewinski, President, American Dental Hygienists Association (CT)

- Cherell Crooms, Dental Hygienist
- Dr. Daniel Faber, Dentist
- Pareesa Charmchi Goodwin, Executive Director, CT Oral Health Initiative Inc.
- Marion C. Manski, Legislative Chair on Board of Trustees, American Dental Hygienists Association (CT)

Connecticut Hospital Association: expressed support of the bill, but requested that in section 19a-906, subsection (c) be changed to allow a practitioner to use telemedicine to conduct the exam necessary to prescribe a schedule II drug test, and subsection (k) be removed so that CT patients can be served through telemedicine only by CT healthcare professionals.

Trisha Farmer, Vice President of Regional Partnerships and Operations, Connecticut Children's: Ms. Farmer noted she is in support of the bill, but shared some concerns about the language. She advises that Section 1-(b) be changed because patients often know more about service coverage than their providers. She requested that Section 1-(i) be changed so that the amount charged is not bound to Medicare rates, and she urges legislators to adopt reimbursement rate parity for telemedicine and in-person visits.

Stephen Wanczyk-Karp, Executive Director, National Association of Social Workers (CT): Mr. Wanczyk-Karp testified in support of the bill, but suggested an amendment to make the bill apply to both in-network and out-of-network providers.

NATURE AND SOURCES OF OPPOSITION:

Jennifer Brett, Director, University of Bridgeport Acupuncture Institute: Ms. Brett expressed that many acupuncturists provide services that can be done remotely, so licensed acupuncturists should be included in telehealth coverage.

Dr. Matthew DiMond, Assistant Professor of Clinical Services, University of Bridgeport: Dr. DiMond testified that chiropractors should be included in telehealth coverage.

Chris Gargamelli, Connecticut Veterinary Medical Association: Mr. Gargamelli expressed that CT is one of only 4 states that do not define a veterinary-client-patient-relationship (VCPR), and this endangers patients because it allows CT pets to be treated by veterinarians neither located in nor licensed in CT. Owners and animals in that situation are not protected by the regulations of the Connecticut Board of Veterinary Medicine. He recommends an amendment to define a VCPR.

Jessica Wysocki, Connecticut Resident: Ms. Wysocki noted that health issues cannot be properly addressed through telemedicine and the legislature should not be involved in deciding what situations require in-person visits. She also testified that the legislative process moves too quickly and public hearings should not be held at overlapping times. She also testified that the current online functioning of government is illegal.

Reported by: Mallory Ferrick

Date: April 27, 2021