



General Assembly

Amendment

February Session, 2024

LCO No. 4005



Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.

SEN. ANWAR, 3rd Dist.

REP. KLARIDES-DITRIA, 105th Dist.

SEN. SOMERS, 18th Dist.

To: Subst. House Bill No. 5198

File No. 124

Cal. No. 110

"AN ACT CONCERNING TELEHEALTH."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-906 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) As used in this section:

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

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

10 (3) "Health record" means the record of individual, health-related
11 information that may include, but need not be limited to, continuity of

12 care documents, discharge summaries and other information or data
13 relating to a patient's demographics, medical history, medication,
14 allergies, immunizations, laboratory test results, radiology or other
15 diagnostic images, vital signs and statistics.

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

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

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

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

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

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

41 (10) "Synchronous" means real-time interactive technology.

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

51 (12) "Telehealth provider" means (A) any physician or physician
52 assistant licensed under chapter 370, physical therapist or physical
53 therapist assistant licensed under chapter 376, chiropractor licensed
54 under chapter 372, naturopath licensed under chapter 373, podiatrist
55 licensed under chapter 375, occupational therapist or occupational
56 therapy assistant licensed under chapter 376a, optometrist licensed
57 under chapter 380, registered nurse or advanced practice registered
58 nurse licensed under chapter 378, [physician assistant licensed under
59 chapter 370,] psychologist licensed under chapter 383, marital and
60 family therapist licensed under chapter 383a, clinical social worker or
61 master social worker licensed under chapter 383b, alcohol and drug
62 counselor licensed under chapter 376b, professional counselor licensed
63 under chapter 383c, dietitian-nutritionist certified under chapter 384b,
64 speech and language pathologist licensed under chapter 399,
65 respiratory care practitioner licensed under chapter 381a, audiologist
66 licensed under chapter 397a, pharmacist licensed under chapter 400j,
67 [or] paramedic licensed pursuant to chapter 384d, nurse-midwife
68 licensed under chapter 377, dentist licensed under chapter 379, behavior
69 analyst licensed under chapter 382a, genetic counselor licensed under
70 chapter 383d, music therapist, as defined in section 20-195ggg, art
71 therapist licensed under chapter 383g or athletic trainer licensed under
72 chapter 375a who [is providing] provides health care or other health
73 services through the use of telehealth within such person's scope of
74 practice and in accordance with the standard of care applicable to the
75 profession, and (B) [on and after July 1, 2024] on or before June 30, 2025,

76 an appropriately licensed, certified or registered physician, naturopath,
77 registered nurse, advanced practice registered nurse, physician
78 assistant, psychologist, marital and family therapist, clinical social
79 worker, master social worker, alcohol and drug counselor, professional
80 counselor, dietitian-nutritionist, nurse-midwife, behavior analyst,
81 music therapist or art therapist, in another state or territory of the United
82 States or the District of Columbia, who [(i) provides telehealth services
83 under any relevant order issued pursuant to section 19a-906a, (ii)] (i)
84 provides mental or behavioral health care through the use of telehealth
85 within such person's scope of practice and in accordance with the
86 standard of care applicable to the profession, [and (iii)] (ii) maintains
87 professional liability insurance, or other indemnity against liability for
88 professional malpractice, in an amount that is equal to or greater than
89 that required for similarly licensed, certified or registered Connecticut
90 mental or behavioral health care providers, and (iii) registers with the
91 Department of Public Health as a provider of mental or behavioral
92 health care in the state through the use of telehealth prior to providing
93 telehealth to a patient in the state.

94 (b) (1) No person shall provide telehealth services unless the person
95 is a telehealth provider, as defined in subdivision (12) of subsection (a)
96 of this section. A telehealth provider shall only provide telehealth
97 services to a patient when the telehealth provider: (A) Is communicating
98 through real-time, interactive, two-way communication technology or
99 store and forward technologies; (B) has access to, or knowledge of, the
100 patient's medical history, as provided by the patient, and the patient's
101 health record, including the name and address of the patient's primary
102 care provider, if any; (C) conforms to the standard of care applicable to
103 the telehealth provider's profession and expected for in-person care as
104 appropriate to the patient's age and presenting condition, except when
105 the standard of care requires the use of diagnostic testing and
106 performance of a physical examination, such testing or examination
107 may be carried out through the use of peripheral devices appropriate to
108 the patient's condition; and (D) provides the patient with the telehealth's
109 provider license number and contact information.

110 (2) At the time of the telehealth provider's first telehealth interaction
111 with a patient, the telehealth provider shall inform the patient
112 concerning the treatment methods and limitations of treatment using a
113 telehealth platform and, after providing the patient with such
114 information, obtain the patient's consent to provide telehealth services.
115 The telehealth provider shall document such notice and consent in the
116 patient's health record. If a patient later revokes such consent, the
117 telehealth provider shall document the revocation in the patient's health
118 record.

119 (c) Notwithstanding the provisions of this section or title 20, no
120 telehealth provider shall prescribe any schedule I, II or III controlled
121 substance through the use of telehealth, except a schedule II or III
122 controlled substance other than an opioid drug, as defined in section 20-
123 14o, in a manner fully consistent with the Ryan Haight Online Pharmacy
124 Consumer Protection Act, 21 USC 829(e), as amended from time to time,
125 for the treatment of a person with a psychiatric disability or substance
126 use disorder, as defined in section 17a-458, including, but not limited to,
127 medication-assisted treatment. A telehealth provider using telehealth to
128 prescribe a schedule II or III controlled substance pursuant to this
129 subsection shall electronically submit the prescription pursuant to
130 section 21a-249, as amended by this act.

131 (d) Each telehealth provider shall, at the time of the initial telehealth
132 interaction, ask the patient whether the patient consents to the telehealth
133 provider's disclosure of records concerning the telehealth interaction to
134 the patient's primary care provider. If the patient consents to such
135 disclosure, the telehealth provider shall provide records of all telehealth
136 interactions to the patient's primary care provider, in a timely manner,
137 in accordance with the provisions of sections 20-7b to 20-7e, inclusive.

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

141 (f) The provision of telehealth services and health records maintained

142 and disclosed as part of a telehealth interaction shall comply with the
143 provisions of the Health Insurance Portability and Accountability Act of
144 1996 P.L. 104-191, as amended from time to time.

145 (g) Nothing in this section shall prohibit: (1) A health care provider
146 from providing on-call coverage pursuant to an agreement with another
147 health care provider or such health care provider's professional entity
148 or employer; (2) a health care provider from consulting with another
149 health care provider concerning a patient's care; (3) orders of health care
150 providers for hospital outpatients or inpatients; or (4) the use of
151 telehealth for a hospital inpatient, including for the purpose of ordering
152 any medication or treatment for such patient in accordance with Ryan
153 Haight Online Pharmacy Consumer Protection Act, 21 USC 829(e), as
154 amended from time to time. For purposes of this subsection, "health care
155 provider" means a person or entity licensed or certified pursuant to
156 chapter 370, 372, 373, 375 [, 376] to 376b, inclusive, 377, 378, 379, 380,
157 381a, 382, 382a, 383 to [383c] 383d, inclusive, 383f, 383g, 384b, 384d, 397a,
158 399 or 400j, or licensed or certified pursuant to chapter 368d or 384d.

159 (h) No telehealth provider or hospital shall charge a facility fee for
160 telehealth services. Such prohibition shall apply to hospital telehealth
161 services whether provided on campus or otherwise. For purposes of this
162 subsection, "hospital" has the same meaning as provided in section 19a-
163 490 and "campus" has the same meaning as provided in section 19a-
164 508c.

165 (i) (1) No telehealth provider shall provide health care or health
166 services to a patient through telehealth unless the telehealth provider
167 has determined whether or not the patient has health coverage for such
168 health care or health services.

169 (2) Notwithstanding any provision of the general statutes, a
170 telehealth provider who agrees to provide health care or health services
171 to a patient through telehealth shall accept as full payment for such
172 health care or health services:

173 (A) An amount that is equal to the amount that Medicare reimburses

174 for such health care or health services if the telehealth provider
175 determines that the patient does not have health coverage for such
176 health care or health services; or

177 (B) The amount that the patient's health coverage reimburses and any
178 coinsurance, copayment, deductible or other out-of-pocket expense
179 imposed by the patient's health coverage for such health care or health
180 services if the telehealth provider determines that the patient has health
181 coverage for such health care or health services.

182 (3) If a telehealth provider determines that a patient is unable to pay
183 for any health care or health services described in subdivisions (1) and
184 (2) of this subsection, the provider shall offer to the patient financial
185 assistance if such provider is required to offer to the patient such
186 financial assistance under any applicable state or federal law.

187 (j) Subject to compliance with all applicable federal requirements,
188 state licensing standards, state telehealth laws or any regulation
189 adopted thereunder, a telehealth provider may provide telehealth
190 services pursuant to the provisions of this section from any location to a
191 patient in any location.

192 (k) Any Connecticut entity, institution or health care provider, that
193 engages or contracts with a telehealth provider who is licensed, certified
194 or registered in another state or territory of the United States or the
195 District of Columbia to provide health care or other health services, shall
196 (1) verify the credentials of such telehealth provider in the state in which
197 such provider is licensed, certified or registered, (2) ensure that such
198 telehealth provider is in good standing in such state, and (3) confirm
199 that such telehealth provider maintains professional liability insurance
200 or other indemnity against liability for professional malpractice in an
201 amount that is equal to or greater than that required for similarly
202 licensed, certified or registered health care or other services health
203 provider in the state.

204 Sec. 2. Subdivision (5) of subsection (c) of section 21a-249 of the 2024
205 supplement to the general statutes is repealed and the following is

206 substituted in lieu thereof (*Effective from passage*):

207 (5) The practitioner demonstrates, in a form and manner prescribed
208 by the commissioner, that such practitioner does not have the
209 technological capacity to issue an electronically transmitted
210 prescription. For the purposes of this subsection, "technological
211 capacity" means possession of a computer system, hardware or device
212 that can be used to electronically transmit controlled substance
213 prescriptions consistent with the requirements of the federal Controlled
214 Substances Act, 21 USC 801, as amended from time to time. The
215 provisions of this subdivision shall not apply to a practitioner when
216 such practitioner is prescribing as a telehealth provider, as defined in
217 section 19a-906, as amended by this act, [section 1 of public act 20-2 of
218 the July special session or section 1 of public act 21-9, as applicable,]
219 pursuant to subsection (c) of said section. [19a-906, subsection (c) of
220 section 1 of public act 20-2 of the July special session or subsection (c) of
221 section 1 of public act 21-9, as applicable.]

222 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section:

223 (1) "Health carrier" has the same meaning as provided in section 38a-
224 1080 of the general statutes;

225 (2) "Insured" has the same meaning as provided in section 38a-1 of
226 the general statutes;

227 (3) "Telehealth" has the same meaning as provided in section 19a-906
228 of the general statutes, as amended by this act; and

229 (4) "Telehealth provider" has the same meaning as provided in
230 section 19a-906 of the general statutes, as amended by this act.

231 (b) Notwithstanding any provision of title 38a of the general statutes,
232 no health carrier shall reduce the amount of a reimbursement paid to a
233 telehealth provider for covered health care or health services that the
234 telehealth provider appropriately provided to an insured through
235 telehealth because the telehealth provider provided such health care or

236 health services to the patient through telehealth and not in person.

237 Sec. 4. Section 1 of public act 21-9, as amended by section 3 of public
238 act 21-133 and section 32 of public act 22-81, section 3 of public act 21-9,
239 as amended by section 35 of public act 22-81, section 4 of public act 21-
240 9, as amended by section 36 of public act 22-81, section 5 of public act
241 21-9, as amended by section 37 of public act 22-81, and section 6 of public
242 act 21-9, as amended by section 4 of public act 21-133, are repealed.
243 (*Effective from passage*)

244 Sec. 5. Section 19a-906a of the general statutes is repealed. (*Effective*
245 *from passage*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-906
Sec. 2	<i>from passage</i>	21a-249(c)(5)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	Repealer section
Sec. 5	<i>from passage</i>	Repealer section