

SENATE BILL No. 284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-190.3; IC 12-15-5-11; IC 25-1-9.5.

Synopsis: Telehealth matters. Consolidates Medicaid telehealth language. Adds specified health care providers and students to the definition of "practitioner" for purposes of practicing telehealth. Allows behavior health analysts to temporarily perform telehealth during the time when the professional licensing agency is preparing to implement licensure for the profession. Exempts certain actions from the definition of "telehealth", allowing for a practitioner to delegate consultation, treatment, and monitoring of a patient if the delegated health service is within the practitioner's scope of practice and allowed to be delegated by the practitioner in an in-person setting.

Effective: July 1, 2022.

Charbonneau

January 10, 2022, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 284



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-190.3, AS AMENDED BY P.L.85-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 190.3. (a) "~~Telehealth activities~~", for purposes of
4 ~~IC 12-15-5-11~~, has the meaning set forth in ~~IC 12-15-5-11(a)~~.
5 (b) "Telehealth services", for purposes of IC 12-15-5-11, has the
6 meaning set forth in ~~IC 12-15-5-11(b)~~: **IC 12-15-5-11(a)**.
7 SECTION 2. IC 12-15-5-11, AS AMENDED BY P.L.207-2021,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2022]: Sec. 11. (a) As used in this section, "~~telehealth~~
10 ~~activities~~" means the use of telecommunications and information
11 technology to provide access to:
12 (1) health assessment;
13 (2) diagnosis;
14 (3) intervention;
15 (4) consultation;
16 (5) supervision; and
17 (6) information;



- 1 across a distance.
- 2 ~~(b)~~ **(b)** As used in this section, "telehealth services" has the meaning set
- 3 forth for "telehealth" in IC 25-1-9.5-6.
- 4 ~~(c)~~ **(c)** The office shall reimburse a Medicaid provider who is licensed
- 5 as a home health agency under IC ~~16-27-1~~ for telehealth activities.
- 6 ~~(d)~~ **(b)** The office shall reimburse the following Medicaid providers
- 7 for medically necessary telehealth services:
- 8 (1) A federally qualified health center (as defined in 42 U.S.C.
- 9 1396d(l)(2)(B)).
- 10 (2) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).
- 11 (3) A community mental health center certified under
- 12 IC 12-21-2-3(5)(C).
- 13 (4) A critical access hospital that meets the criteria under 42 CFR
- 14 485.601 et seq.
- 15 **(5) A home health agency licensed under IC 16-27-1.**
- 16 ~~(5)~~ **(6)** A provider, as determined by the office to be eligible,
- 17 providing a covered telehealth service.
- 18 ~~(e)~~ **(c)** The office may not impose any distance restrictions on
- 19 providers of telehealth activities or telehealth services. Before
- 20 December 31, 2017, the office shall do the following:
- 21 ~~(1)~~ **(1)** Submit a Medicaid state plan amendment with the United
- 22 States Department of Health and Human Services that eliminates
- 23 distance restrictions for telehealth activities or telehealth services
- 24 in the state Medicaid plan.
- 25 ~~(2)~~ **(2)** Issue a notice of intent to adopt a rule to amend any
- 26 administrative rules that include distance restrictions for the
- 27 provision of telehealth activities or telehealth services.
- 28 ~~(f)~~ **(d)** Subject to federal law, the office may not impose any location
- 29 requirements concerning the originating site or distant site in which a
- 30 telehealth service is provided to a Medicaid recipient.
- 31 ~~(g)~~ **(e)** A Medicaid recipient waives confidentiality of any medical
- 32 information discussed with the health care provider that is:
- 33 (1) provided during a telehealth visit; and
- 34 (2) heard by another individual in the vicinity of the Medicaid
- 35 recipient during a health care service or consultation.
- 36 ~~(h)~~ **(f)** For purposes of a community mental health center, telehealth
- 37 services satisfy any face to face meeting requirement between a
- 38 clinician and consumer.
- 39 ~~(i)~~ **(g)** The office shall implement any part of this section that is
- 40 approved by the United States Department of Health and Human
- 41 Services.
- 42 ~~(j)~~ **(h)** The office may adopt rules under IC 4-22-2 necessary to



- 1 implement and administer this section.
 2 SECTION 3. IC 25-1-9.5-2.5, AS ADDED BY P.L.85-2021,
 3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2022]: Sec. 2.5. As used in this chapter, "health care services"
 5 includes the following:
 6 (1) **The following concerning a patient:**
 7 (A) Assessment.
 8 (B) Diagnosis.
 9 (C) Evaluation.
 10 (D) Consultation.
 11 (E) Treatment. ~~and~~
 12 (F) Monitoring of a patient.
 13 (2) Transfer of medical data.
 14 (3) Patient health related education.
 15 (4) Health administration.
 16 SECTION 4. IC 25-1-9.5-3.5, AS AMENDED BY P.L.207-2021,
 17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 3.5. (a) As used in this chapter, "practitioner"
 19 means an individual who holds an unlimited license to practice as any
 20 of the following in Indiana:
 21 (1) An athletic trainer licensed under IC 25-5.1.
 22 (2) A chiropractor licensed under IC 25-10.
 23 (3) A dental hygienist licensed under IC 25-13.
 24 (4) The following:
 25 (A) A dentist licensed under IC 25-14.
 26 (B) An individual who holds a dental residency permit issued
 27 under IC 25-14-1-5.
 28 (C) An individual who holds a dental faculty license under
 29 IC 25-14-1-5.5.
 30 (5) A diabetes educator licensed under IC 25-14.3.
 31 (6) A dietitian licensed under IC 25-14.5.
 32 (7) A genetic counselor licensed under IC 25-17.3.
 33 (8) The following:
 34 (A) A physician licensed under IC 25-22.5.
 35 (B) An individual who holds a temporary permit under
 36 IC 25-22.5-5-4.
 37 (9) A nurse licensed under IC 25-23.
 38 (10) An occupational therapist licensed under IC 25-23.5.
 39 (11) Any behavioral health and human services professional
 40 licensed under IC 25-23.6.
 41 (12) An optometrist licensed under IC 25-24.
 42 (13) A pharmacist licensed under IC 25-26.



- 1 (14) A physical therapist licensed under IC 25-27.
 2 (15) A physician assistant licensed under IC 25-27.5.
 3 (16) A podiatrist licensed under IC 25-29.
 4 (17) A psychologist licensed under IC 25-33.
 5 (18) A respiratory care practitioner licensed under IC 25-34.5.
 6 (19) A speech-language pathologist or audiologist licensed under
 7 IC 25-35.6.
 8 (20) A veterinarian licensed under IC 25-38.1.
 9 (21) A behavior analyst licensed under IC 25-8.5.
 10 **(22) A school psychologist licensed by the department of**
 11 **education.**
 12 **(23) A case manager employed by a provider who has been**
 13 **approved by the division of disability and rehabilitative**
 14 **services to provide case management services to individuals**
 15 **on the community integration habilitation and family support**
 16 **Medicaid waiver.**
 17 **(24) A student who is:**
 18 **(A) pursuing a course of study of a profession specified in**
 19 **subdivisions (1) through (23); and**
 20 **(B) providing services directed by an individual who holds**
 21 **a license in Indiana for that profession.**
 22 **(b) The term includes a behavior analyst during the time in**
 23 **which the professional licensing agency is preparing to implement**
 24 **licensure of behavioral analysts under IC 25-8.5. This subsection**
 25 **expires January 1, 2025.**
 26 SECTION 5. IC 25-1-9.5-6, AS AMENDED BY P.L.207-2021,
 27 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2022]: Sec. 6. (a) As used in this chapter, "telehealth" means
 29 the delivery of health care services using interactive electronic
 30 communications and information technology, in compliance with the
 31 federal Health Insurance Portability and Accountability Act (HIPAA),
 32 including:
 33 (1) secure videoconferencing;
 34 (2) store and forward technology; or
 35 (3) remote patient monitoring technology;
 36 between a provider in one (1) location and a patient in another location.
 37 (b) The term does not include the use of the following unless the
 38 practitioner has an established relationship with the patient:
 39 (1) Electronic mail.
 40 (2) An instant messaging conversation.
 41 (3) Facsimile.
 42 (4) Internet questionnaire.



1 (5) Internet consultation.
2 (c) The term does not include a health care service provided by:
3 (1) an employee of a practitioner; or
4 (2) an individual who is employed by the same entity that
5 employs the practitioner;
6 who is performing a health care service listed in section **2.5(1)(D)**
7 **through (F)**, 2.5(2), 2.5(3), or 2.5(4) of this chapter under the direction
8 and that is customarily within the specific area of practice of the
9 practitioner. **In order to be excluded from the term under this**
10 **subsection, the health care services being delegated by the**
11 **practitioner must be within the practitioner's scope of practice and**
12 **allowed to be delegated by the practitioner to another individual**
13 **described in this subsection in the same manner as the health care**
14 **service is allowed to be delegated by the practitioner in an**
15 **in-person setting.**

