

HOUSE No. 267

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act advancing and expanding access to telemedicine services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

HOUSE No. 267

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 267) of John W. Scibak and others relative to access to telemedicine services by allowing certain clinicians to be credentialed and to allow for coverage of such services by all payers and the Medicaid program. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act advancing and expanding access to telemedicine services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of Chapter 112 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting at the end thereof the following:

3 Notwithstanding any other provision of this chapter, the board shall promulgate
4 regulations allowing telemedicine licensure/credentialing that is consistent with federal
5 regulations, including but not limited to: (1) allowing physicians to practice telemedicine
6 between different states; and (2) allowing physicians or healthcare facilities to have either a
7 written agreement or the proxy credentialing and privileging for telemedicine services with other
8 healthcare providers or facilities that shall include authorizing deemed status consistent with
9 federal Medicare Conditions of Participation credentialing standards. For the purpose of these
10 regulations “telemedicine” shall mean the use of interactive audio, video or other electronic
11 media for the purpose of diagnosis, consultation or treatment.

12 SECTION 2. Notwithstanding any general or special law or rule or regulation to the
13 contrary, the Division of Professional Licensure within the Department of Public Health shall
14 amend the applicable licensure regulations for clinicians with authority to deliver health care or
15 behavioral health services to have either a written agreement or the proxy credentialing and
16 privileging for telemedicine services with other healthcare providers that shall include
17 authorizing deemed status consistent with federal Medicare Conditions of Participation
18 credentialing standards. For the purpose of these regulations “telemedicine” shall mean the use
19 of interactive audio, video or other electronic media for the purpose of diagnosis, consultation or
20 treatment.

21 SECTION 3. Section 118E of the General Laws, as appearing in the 2012 Official
22 Edition, is hereby amended by inserting at the end thereof the following new section:

23 Section 78. Notwithstanding any general or special law or rule or regulation to the
24 contrary, the Executive Office of Health and Human Services shall provide coverage under its
25 Medicaid contracted health insurers, health plans, health maintenance organizations, behavioral
26 health management firms and third party administrators under contract to a Medicaid managed
27 care organization or the Medicaid primary care clinician plans for health care services provided
28 by telemedicine at a rate no less than the applicable coverage for health care services provided
29 through in-person consultation or in-person delivery of services. For the purposes of this
30 coverage, “telemedicine” shall mean the use of interactive audio, video or other electronic media
31 for the purpose of diagnosis, consultation or treatment.

32 SECTION 4. Section 47BB of chapter 175 of the General Laws, as most recently added
33 by Section 158 of Chapter 224 of the Acts of 2012, is hereby amended by striking subsections
34 (a)-(d) and replacing it with the following:

35 (a) For the purposes of this section, “telemedicine” as it pertains to the delivery of health
36 care services, shall mean the use of interactive audio, video or other electronic media for the
37 purpose of diagnosis, consultation or treatment.

38

39 (b) In-person contact between a health care provider, as defined in section 1 of Chapter
40 111 of the General Laws, and a patient shall not be required for services appropriately provided
41 through telemedicine, subject to reimbursement policies to compensate a licensed health care
42 provider who provides health care services through telemedicine that are otherwise reimbursed
43 pursuant to the coverage for health care services. A provider shall not be required to document a
44 barrier to an in-person visit prior to the delivery of services provided via telemedicine.

45 (c) For the purposes of coverage for services provided through telemedicine, a carrier, as
46 defined in section 1 of chapter 176O, shall not limit the type of setting where services are
47 provided for the patient or by the health care provider.

48 (d) Coverage of health care services for telemedicine shall be at a rate no less than the
49 applicable coverage for health care services provided through in-person consultation or in-person
50 delivery of services. A contract that provides coverage for telemedicine services may contain a
51 provision for a deductible, copayment or coinsurance requirement for a health care service
52 provided through telemedicine as long as the deductible, copayment or coinsurance does not

53 exceed the deductible, copayment or coinsurance applicable to an in-person consultation or in-
54 person delivery of services.

55 SECTION 5. Notwithstanding any general or special law or regulation to the contrary, a
56 Carrier, as defined in Section 1 of Chapter 176O, the Group Insurance Commission and any
57 carrier or other entity which contracts with the Commission to provide health benefits to eligible
58 Employees and Retirees and their eligible dependents, shall adopt and implement the
59 telemedicine provisions under Section 47BB of Chapter 175 of the General Laws.

60 SECTION 6. The provisions this Act shall be effective for all contracts which are entered
61 into, renewed, or amended on or after January 1, 2016.