

SENATE No. 00487

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 passage of the accompanying bill:

An Act establishing telehealth.

PETITION OF:

NAME:

Harriette L. Chandler

DISTRICT/ADDRESS:

First Worcester

SENATE No. 00487

By Ms. Chandler, petition (accompanied by bill, Senate, No. 487) of Chandler for legislation relative to the use of telemedicine to promote efficiency in the delivery of health care services [Joint Committee on Health Care Financing].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 534 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing telehealth.

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. The purpose of this act shall be for the Commonwealth to recognize telehealth
2 services as an effective means of monitoring and managing home health patients whose medical,
3 functional and/or environmental needs can be appropriately and cost-effectively met through
4 such technology. Reimbursable home telehealth will be fostered to ensure an increased
5 communication with the patient, help early detection of chronic illness, prevent re-hospitalization
6 and subsequent costs, enhance self-management and provide the patient an improved
7 comprehension of his/her condition.

8 SECTION 2 Definitions

9 For the purposes of this act, the following terms shall have the following meanings:

10 ?Telehealth/telehealth technology,? includes the delivery of medical services and any diagnostic,
11 treatment or health management assistance utilizing interactive audio, interactive video and/or
12 interactive data transmission relative to the health care of a patient in a home care setting.

13 Telehealth technology services do not include telephone conversations, electronic mail messages
14 or facsimile transmissions.

15 ?Certified home health agency,? includes those home health agencies that are approved for
16 participation in the Medicare and Medicaid programs.

17 ?Home care services,? are services provided to a home health patient by a certified home health
18 agency.

19 SECTION 3. Notwithstanding any general or special law to the contrary, the executive office of
20 health and human services is hereby directed, pursuant to section 7 of chapter 118G of the
21 General Laws, to establish that health care services delivered by a certified home health agency
22 through telehealth technology are reimbursable when provided to clients receiving home care
23 services that are otherwise eligible for reimbursement under the Medicaid program. Recipients of
24 telehealth services will be those that require home health services of unusually high frequency,
25 urgency or duration and that have chronic medical conditions, including, but not limited to:
26 congestive heart failure, diabetes, and/or chronic obstructive pulmonary disease.

27 SECTION 4. Rates of telehealth services shall reflect costs on a monthly basis in order to
28 account for daily variation in the intensity and complexity of patients' telehealth service needs;
29 provided that such rates shall further reflect the cost of the daily operation and provision of such

30 services, which costs shall include the following functions undertaken by the participating
31 certified home health agency:

32 Monitoring of patients vital signs;

33 Patient education;

34 Medication management;

35 Equipment maintenance and comprehension;

36 Review of patient trends and/or other changes in patient condition necessitating professional
37 intervention; and

38 Other such activities as the executive office of health and human services deem necessary and
39 appropriate to this section.

40 Reimbursement for telehealth services pursuant to this section shall be provided only in
41 connection with Federal Food and Drug Administration-approved devices, and incorporated as
42 part of the patient's plan of care.

43 SECTION 5. The home health patient's respective agency shall be responsible for the accuracy,
44 maintenance and instruction on the usage of telehealth technology.

45 SECTION 6. This act shall become effective 60 days following its enactment.