

**SENATE . . . . . No. 00521**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Michael O. Moore*

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*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 relative to telemedicine .

\_\_\_\_\_  
PETITION OF:

NAME:

*Michael O. Moore*

DISTRICT/ADDRESS:

*Second Worcester*

# SENATE . . . . . No. 00521

By Mr. Moore, petition (accompanied by bill, Senate, No. 521) of Moore for legislation relative to telemedicine [Joint Committee on Health Care Financing].

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to telemedicine .

*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. Chapter 32A of the General Laws is hereby amended by adding the  
2 following section:-

3           Section 26. (a) As used in this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:-

5           “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
6 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
7 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

8           “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
9 corporation, medical service corporation, health care corporation, managed care entity, or any  
10 similar entity authorized to issue contracts under this title or to provide health benefit policies.

11 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
12 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
13 Telemedicine does not include the use of audio only telephone or facsimile.

14 (b) The commission shall provide to an active or retired employee of the  
15 commonwealth who is insured under the group insurance commission benefits on a  
16 nondiscriminatory basis for the application of telemedicine for covered services provided within  
17 the scope of practice of a physician or health care provider as a method of delivery of medical  
18 care by which an individual shall receive medical services from a health care provider without in  
19 person contact with the provider.

20 (c) The commission may not deny coverage of the sole basis that the coverage is  
21 provided through telemedicine if the health care service would be covered if it were provided  
22 through in-person consultation between the covered person and a health care provider.

23 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
24 those services that are medically necessary and subject to the terms and conditions of the covered  
25 person’s policy.

26 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after  
27 section 47AA the following section:-

28 SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the  
29 following section:-

30 Section 26. (a) As used in this section the following words shall, unless the context  
31 clearly requires otherwise, have the following meanings:-

32 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
33 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
34 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

35 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
36 corporation, medical service corporation, health care corporation, managed care entity, or any  
37 similar entity authorized to issue contracts under this title or to provide health benefit policies.

38 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
39 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
40 Telemedicine does not include the use of audio only telephone or facsimile.

41 (b) The commission shall provide to an active or retired employee of the  
42 commonwealth who is insured under the group insurance commission benefits on a  
43 nondiscriminatory basis for the application of telemedicine for covered services provided within  
44 the scope of practice of a physician or health care provider as a method of delivery of medical  
45 care by which an individual shall receive medical services from a health care provider without in  
46 person contact with the provider.

47 (c) The commission may not deny coverage of the sole basis that the coverage is  
48 provided through telemedicine if the health care service would be covered if it were provided  
49 through in-person consultation between the covered person and a health care provider.

50 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
51 those services that are medically necessary and subject to the terms and conditions of the covered  
52 person’s policy.

53 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after  
54 section 47AA the following section:-

55 Section 47BB. (a) As used in this section the following words shall, unless the context clearly  
56 requires otherwise, have the following meanings:-

57 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
58 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
59 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

60 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
61 corporation, medical service corporation, health care corporation, managed care entity, or any  
62 similar entity authorized to issue contracts under this title or to provide health benefit policies.

63 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
64 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
65 Telemedicine does not include the use of audio only telephone or facsimile.

66 (b) An individual policy of accident and sickness insurance issued under section 108  
67 that provides hospital expense and surgical expense insurance and any group blanket or general  
68 policy of accident and sickness insurance issued under section 110 that provides hospital expense  
69 and surgical expense insurance, which is issued or renewed within or without the  
70 commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the  
71 commonwealth and to all policyholders having a principal place of employment in the  
72 commonwealth for the application of telemedicine for covered services provided within the  
73 scope of practice of a physician or health care provider as a method of delivery of medical care

74 by which an individual shall receive medical services from a health care provider without in  
75 person contact with the provider.

76 (c) The commission may not deny coverage of the sole basis that the coverage is  
77 provided through telemedicine if the health care service would be covered if it were provided  
78 through in-person consultation between the covered person and a health care provider.

79 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
80 those services that are medically necessary and subject to the terms and conditions of the covered  
81 person's policy.

82 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after  
83 section 8DD the following section:-

84 Section 8EE. (a) As used in this section the following words shall, unless the context  
85 clearly requires otherwise, have the following meanings:-

86 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare  
87 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
88 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

89 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service  
90 corporation, medical service corporation, health care corporation, managed care entity, or any  
91 similar entity authorized to issue contracts under this title or to provide health benefit policies.

92 "Telemedicine", the use of audio, video or other electronic media for the purpose of  
93 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.

94 Telemedicine does not include the use of audio only telephone or facsimile.

95           (b) A contract between a subscriber and the corporation under an individual or group  
96 hospital service plan which is issued or renewed within or without the commonwealth shall  
97 provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all  
98 policyholders having a principal place of employment in the commonwealth for the application  
99 of telemedicine for covered services provided within the scope of practice of a physician or  
100 health care provider as a method of delivery of medical care by which an individual shall receive  
101 medical services from a health care provider without in person contact with the provider.

102           (c) The commission may not deny coverage of the sole basis that the coverage is  
103 provided through telemedicine if the health care service would be covered if it were provided  
104 through in-person consultation between the covered person and a health care provider.

105           (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
106 those services that are medically necessary and subject to the terms and conditions of the covered  
107 person's policy.

108           SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after  
109 section 4DD the following section:-

110           Section 4EE. (a) As used in this section the following words shall, unless the context  
111 clearly requires otherwise, have the following meanings:-

112           “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
113 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
114 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

115 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
116 corporation, medical service corporation, health care corporation, managed care entity, or any  
117 similar entity authorized to issue contracts under this title or to provide health benefit policies.

118 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
119 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.

120 Telemedicine does not include the use of audio only telephone or facsimile.

121 (b) A subscription certificate under an individual or group medical service agreement  
122 which is issued or renewed within or without the commonwealth shall provide benefits on a  
123 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a  
124 principal place of employment in the commonwealth for the application of telemedicine for  
125 covered services provided within the scope of practice of a physician or health care provider as a  
126 method of delivery of medical care by which an individual shall receive medical services from a  
127 health care provider without in person contact with the provider.

128 (c) The commission may not deny coverage of the sole basis that the coverage is  
129 provided through telemedicine if the health care service would be covered if it were provided  
130 through in-person consultation between the covered person and a health care provider.

131 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
132 those services that are medically necessary and subject to the terms and conditions of the covered  
133 person’s policy.

134 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after  
135 section 4V the following section:-



136 Section 4W. (a) As used in this section the following words shall, unless the context  
137 clearly requires otherwise, have the following meanings:-

138 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
139 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
140 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

141 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
142 corporation, medical service corporation, health care corporation, managed care entity, or any  
143 similar entity authorized to issue contracts under this title or to provide health benefit policies.

144 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
145 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
146 Telemedicine does not include the use of audio only telephone or facsimile.

147 (b) A health maintenance contract issued or renewed within or without the  
148 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the  
149 commonwealth and to all policyholders having a principal place of employment in the  
150 commonwealth for the application of telemedicine for covered services provided within the  
151 scope of practice of a physician or health care provider as a method of delivery of medical care  
152 by which an individual shall receive medical services from a health care provider without in  
153 person contact with the provider.

154 (c) The commission may not deny coverage of the sole basis that the coverage is  
155 provided through telemedicine if the health care service would be covered if it were provided  
156 through in-person consultation between the covered person and a health care provider.

157 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
158 those services that are medically necessary and subject to the terms and conditions of the covered  
159 person's policy.

160 SECTION 6. All policies, contracts and certificates of health insurance subject to  
161 section 25 of chapter 32A, section 47AA of chapter 175, section 8DD of chapter 176A, section  
162 4CC of chapter 176B, and section 4V of chapter 176G of the General Laws which are delivered,  
163 issued or renewed on or after January 1, 2011 shall conform with the provisions of this act. Form  
164 filings implementing this act shall be subject to the approval of the commissioner of insurance.

165 SECTION 7. This act shall take effect on January 1, 2012.

166 Section 47BB. (a) As used in this section the following words shall, unless the context  
167 clearly requires otherwise, have the following meanings:-

168 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare  
169 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
170 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

171 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service  
172 corporation, medical service corporation, health care corporation, managed care entity, or any  
173 similar entity authorized to issue contracts under this title or to provide health benefit policies.

174 "Telemedicine", the use of audio, video or other electronic media for the purpose of  
175 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
176 Telemedicine does not include the use of audio only telephone or facsimile.

177 (b) An individual policy of accident and sickness insurance issued under section 108  
178 that provides hospital expense and surgical expense insurance and any group blanket or general  
179 policy of accident and sickness insurance issued under section 110 that provides hospital expense  
180 and surgical expense insurance, which is issued or renewed within or without the  
181 commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the  
182 commonwealth and to all policyholders having a principal place of employment in the  
183 commonwealth for the application of telemedicine for covered services provided within the  
184 scope of practice of a physician or health care provider as a method of delivery of medical care  
185 by which an individual shall receive medical services from a health care provider without in  
186 person contact with the provider.

187 (c) The commission may not deny coverage of the sole basis that the coverage is  
188 provided through telemedicine if the health care service would be covered if it were provided  
189 through in-person consultation between the covered person and a health care provider.

190 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
191 those services that are medically necessary and subject to the terms and conditions of the covered  
192 person's policy.

193 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after  
194 section 8DD the following section:-

195 Section 8EE. (a) As used in this section the following words shall, unless the context  
196 clearly requires otherwise, have the following meanings:-

197 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
198 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
199 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

200 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
201 corporation, medical service corporation, health care corporation, managed care entity, or any  
202 similar entity authorized to issue contracts under this title or to provide health benefit policies.

203 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
204 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
205 Telemedicine does not include the use of audio only telephone or facsimile.

206 (b) A contract between a subscriber and the corporation under an individual or group  
207 hospital service plan which is issued or renewed within or without the commonwealth shall  
208 provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all  
209 policyholders having a principal place of employment in the commonwealth for the application  
210 of telemedicine for covered services provided within the scope of practice of a physician or  
211 health care provider as a method of delivery of medical care by which an individual shall receive  
212 medical services from a health care provider without in person contact with the provider.

213 (c) The commission may not deny coverage of the sole basis that the coverage is  
214 provided through telemedicine if the health care service would be covered if it were provided  
215 through in-person consultation between the covered person and a health care provider.

216 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
217 those services that are medically necessary and subject to the terms and conditions of the covered  
218 person’s policy.

219 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after  
220 section 4DD the following section:-

221 Section 4EE. (a) As used in this section the following words shall, unless the context  
222 clearly requires otherwise, have the following meanings:-

223 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare  
224 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
225 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

226 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service  
227 corporation, medical service corporation, health care corporation, managed care entity, or any  
228 similar entity authorized to issue contracts under this title or to provide health benefit policies.

229 “Telemedicine”, the use of audio, video or other electronic media for the purpose of  
230 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
231 Telemedicine does not include the use of audio only telephone or facsimile.

232 (b) A subscription certificate under an individual or group medical service agreement  
233 which is issued or renewed within or without the commonwealth shall provide benefits on a  
234 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a  
235 principal place of employment in the commonwealth for the application of telemedicine for  
236 covered services provided within the scope of practice of a physician or health care provider as a  
237 method of delivery of medical care by which an individual shall receive medical services from a  
238 health care provider without in person contact with the provider.

239 (c) The commission may not deny coverage of the sole basis that the coverage is  
240 provided through telemedicine if the health care service would be covered if it were provided  
241 through in-person consultation between the covered person and a health care provider.

242 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
243 those services that are medically necessary and subject to the terms and conditions of the covered  
244 person's policy.

245 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after  
246 section 4V the following section:-

247 Section 4W. (a) As used in this section the following words shall, unless the context  
248 clearly requires otherwise, have the following meanings:-

249 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare  
250 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but  
251 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

252 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service  
253 corporation, medical service corporation, health care corporation, managed care entity, or any  
254 similar entity authorized to issue contracts under this title or to provide health benefit policies.

255 "Telemedicine", the use of audio, video or other electronic media for the purpose of  
256 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.  
257 Telemedicine does not include the use of audio only telephone or facsimile.

258 (b) A health maintenance contract issued or renewed within or without the  
259 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the

260 commonwealth and to all policyholders having a principal place of employment in the  
261 commonwealth for the application of telemedicine for covered services provided within the  
262 scope of practice of a physician or health care provider as a method of delivery of medical care  
263 by which an individual shall receive medical services from a health care provider without in  
264 person contact with the provider.

265 (c) The commission may not deny coverage of the sole basis that the coverage is  
266 provided through telemedicine if the health care service would be covered if it were provided  
267 through in-person consultation between the covered person and a health care provider.

268 (d) Nothing in this section shall prohibit an insurer from providing coverage for only  
269 those services that are medically necessary and subject to the terms and conditions of the covered  
270 person's policy.

271 SECTION 6. All policies, contracts and certificates of health insurance subject to  
272 section 25 of chapter 32A, section 47AA of chapter 175, section 8DD of chapter 176A, section  
273 4CC of chapter 176B, and section 4V of chapter 176G of the General Laws which are delivered,  
274 issued or renewed on or after January 1, 2011 shall conform with the provisions of this act. Form  
275 filings implementing this act shall be subject to the approval of the commissioner of insurance.

276 SECTION 7. This act shall take effect on January 1, 2012.