

HOUSE BILL 1895

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 56;
Title 63 and Title 71, relative to telehealth.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

56-7-1018.

(a) As used in this section:

(1) "Health insurance carrier" means:

(A) Insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the state;

(B) Health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in this state; and

(C) Managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Licensed healthcare provider" means any person whose license in the healing arts has been approved by the appropriate licensure board of this state; and

(3) "Telehealth" means the use of real-time interactive audio, video, or other telecommunications or electronic technology by a licensed healthcare provider to deliver a healthcare service to a patient within the scope of practice of

the licensed healthcare provider at a site other than the site at which the patient is located; provided, however, “telehealth” does not include:

(A) An audio-only conversation between a licensed healthcare provider and a patient;

(B) An electronic mail message between a licensed healthcare provider and a patient; or

(C) A facsimile transmission between a licensed healthcare provider and a patient.

(b) Services provided through a telehealth encounter shall comply with state licensure requirements promulgated by the appropriate licensure boards. Licensed healthcare providers practicing via telehealth technologies shall be held to the same standard of care as licensed healthcare providers providing in-office or on-call settings for the same healthcare service.

(c) Except as otherwise provided in subsection (d), a health insurance carrier:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through telehealth;

(2) Shall reimburse a licensed healthcare provider for the diagnosis, consultation, and treatment of an insured patient for a healthcare service covered under a health insurance policy or contract that is provided through telehealth;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through telehealth and is not provided through an in-person encounter between a licensed healthcare provider and a patient;

(4) May impose a deductible, copayment, or coinsurance amount on benefits for healthcare services that are delivered through a telehealth encounter; provided, however, that the patient responsibility is similar to what it would be had the service been delivered through an in-person encounter; and

(5) Shall reimburse licensed healthcare providers who are out-of-network for telehealth care services under the same reimbursement policies applicable

that the benefit plan permits for in-person encounters that are out-of-network.

(d) A health insurance carrier shall reimburse for telehealth services under the same reimbursement policies that the benefit plan permits for in-person encounters.

SECTION 2. This act shall take effect October 1, 2014, the public welfare requiring it, and shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the state on or after October 1, 2014.