

1 **TELEMEDICINE REIMBURSEMENT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: Kirk A. Cullimore

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions regarding reimbursement for telemedicine services.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the Medicaid program to reimburse for certain telemedicine services at
13 rates set by the Medicaid program;

14 ▶ requires the Public Employees' Benefit and Insurance Program to reimburse for
15 certain telemedicine services at commercially reasonable rates;

16 ▶ amends telemedicine reporting and study requirements; and

17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **26-18-13.5**, as last amended by Laws of Utah 2018, Chapter 119

25 **26-60-105**, as enacted by Laws of Utah 2017, Chapter 241

26 **49-20-414**, as enacted by Laws of Utah 2017, Chapter 241

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26-18-13.5** is amended to read:

30 **26-18-13.5. Telehealth services -- Reimbursement -- Reporting -- Telepsychiatric**
31 **consultations.**

32 (1) As used in this section:

33 ~~[(a) "Mental health therapy" means the same as the term "practice of mental health~~
34 ~~therapy" is defined in Section 58-60-102.]~~

35 ~~[(b) "Mental illness" means a mental or emotional condition defined in an approved~~
36 ~~diagnostic and statistical manual for mental disorders generally recognized in the professions of~~
37 ~~mental health therapy listed in Section 58-60-102.]~~

38 ~~[(c)]~~ (a) "Telehealth services" means the same as that term is defined in Section
39 26-60-102.

40 ~~[(d)]~~ (b) "Telemedicine services" means the same as that term is defined in Section
41 26-60-102.

42 ~~[(e)]~~ (c) "Telepsychiatric consultation" means a consultation between a physician and a
43 board certified psychiatrist, both of whom are licensed to engage in the practice of medicine in
44 the state, that utilizes:

45 (i) the health records of the patient, provided from the patient or the referring
46 physician;

47 (ii) a written, evidence-based patient questionnaire; and

48 (iii) telehealth services that meet industry security and privacy standards, including
49 compliance with the:

50 (A) Health Insurance Portability and Accountability Act; and

51 (B) Health Information Technology for Economic and Clinical Health Act, Pub. L. No.
52 111-5, 123 Stat. 226, 467, as amended.

53 (2) This section applies to:

54 (a) a managed care organization that contracts with the Medicaid program; and

55 (b) a provider who is reimbursed for health care services under the Medicaid program.

56 (3) The Medicaid program shall reimburse for ~~[personal mental health therapy office~~
57 ~~visits provided through]~~ telemedicine services ~~[at a rate set by]~~ at the same rate that the

58 Medicaid program reimburses for other health care services.

59 ~~[(4) Before December 1, 2017, the department shall report to the Legislature's Public~~
60 ~~Utilities, Energy, and Technology Interim Committee and Health Reform Task Force on:]~~

61 ~~[(a) the result of the reimbursement requirement described in Subsection (3);]~~

62 ~~[(b) existing and potential uses of telehealth and telemedicine services;]~~

63 ~~[(c) issues of reimbursement to a provider offering telehealth and telemedicine~~
64 ~~services;]~~

65 ~~[(d) potential rules or legislation related to:]~~

66 ~~[(i) providers offering and insurers reimbursing for telehealth and telemedicine~~
67 ~~services; and]~~

68 ~~[(ii) increasing access to health care, increasing the efficiency of health care, and~~
69 ~~decreasing the costs of health care; and]~~

70 ~~[(e) the department's efforts to obtain a waiver from the federal requirement that~~
71 ~~telemedicine communication be face-to-face communication.]~~

72 [(5)] (4) The Medicaid program shall reimburse for telepsychiatric consultations at a
73 rate set by the Medicaid program.

74 Section 2. Section **26-60-105** is amended to read:

75 **26-60-105. Study by Public Utilities, Energy, and Technology Interim Committee**
76 **and Health Reform Task Force.**

77 The Legislature's Public Utilities, Energy, and Technology Interim Committee and
78 Health Reform Task Force shall receive the reports required in Sections [26-18-13.5](#) and
79 [49-20-414](#) and, during the 2019 interim, study:

80 (1) the result of the reimbursement requirement described in Sections [26-18-13.5](#) and
81 [49-20-414](#);

82 (2) practices and efforts of private health care facilities, health care providers,
83 self-funded employers, third-party payors, and health maintenance organizations to reimburse
84 for telehealth services;

85 (3) existing and potential uses of telehealth and telemedicine services;

86 (4) issues of reimbursement to a provider offering telehealth and telemedicine services;
87 and

88 (5) potential rules or legislation related to:

89 (a) providers offering and insurers reimbursing for telehealth and telemedicine
90 services; and

91 (b) increasing access to health care, increasing the efficiency of health care, and
92 decreasing the costs of health care.

93 Section 3. Section ~~49-20-414~~ is amended to read:

94 **49-20-414. Telemedicine services -- Reimbursement -- Reporting.**

95 (1) As used in this section:

96 ~~[(a) "Mental health therapy" means the same as the term "practice of mental health~~
97 ~~therapy" is defined in Section ~~58-60-102~~.]~~

98 ~~[(b) "Mental illness" means the same as that term is defined in Section ~~26-18-13.5~~.]~~

99 ~~[(c)]~~ (a) "Network provider" means a health care provider who has an agreement with
100 the program to provide health care services to a patient with an expectation of receiving
101 payment, other than coinsurance, copayments, or deductibles, directly from the managed care
102 organization.

103 ~~[(d) "Telehealth services" means the same as that term is defined in Section~~
104 ~~~~26-60-102~~.]~~

105 ~~[(e)]~~ (b) "Telemedicine services" means the same as that term is defined in Section
106 ~~26-60-102~~.

107 (2) This section applies to the risk pool established for the state under Subsection
108 ~~49-20-201~~(1)(a).

109 (3) The program shall, at the provider's request, reimburse a network provider for
110 ~~[personal mental health therapy office visits provided through]~~ medically appropriate
111 telemedicine services at a ~~[rate set by the program]~~ commercially reasonable rate.

112 (4) Before ~~[December 1, 2017]~~ November 1, 2019, the program shall report to the
113 Legislature's Public Utilities, Energy, and Technology Interim Committee and Health Reform

- 114 Task Force on:
- 115 (a) the result of the reimbursement requirement described in Subsection (3);
- 116 (b) existing and potential uses of telehealth and telemedicine services;
- 117 (c) issues of reimbursement to a provider offering telehealth and telemedicine services;
- 118 [~~and~~]
- 119 (d) potential rules or legislation related to:
- 120 (i) providers offering and insurers reimbursing for telehealth and telemedicine services;
- 121 and
- 122 (ii) increasing access to health care, increasing the efficiency of health care, and
- 123 decreasing the costs of health care[~~;~~]; and
- 124 (e) telemedicine services that the program declined to cover because the telemedicine
- 125 services that were requested were not medically appropriate.