

Senate File 346

H-1225

1 Amend Senate File 346, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I
5 VARIOUS PROVISIONS INVOLVING INSURANCE AND THE
6 INSURANCE DIVISION>

7 2. Page 24, after line 6 by inserting:

8 <DIVISION II
9 TELEHEALTH COVERAGE

10 Sec. ____ . LEGISLATIVE FINDINGS. The general
11 assembly finds and recognizes all of the following:

12 1. Access to health care facilities and health care
13 professionals is critically important to the citizens
14 of Iowa.

15 2. Telehealth uses electronic technology to
16 overcome a geographic distance between patients and
17 health care providers for the purpose of intervention,
18 clinical management, or assessing, monitoring, or
19 educating patients.

20 3. The provision of telehealth results in
21 demonstrated cost-effectiveness, improvements in
22 disease management, and improved patient outcomes and
23 studies by the American telemedicine association and
24 others have demonstrated significant reductions in
25 hospitalizations and otherwise necessary medical care
26 as a result of telehealth intervention.

27 4. Geography, weather, availability of specialists,
28 transportation, and other factors can create barriers
29 to accessing appropriate health care, including
30 behavioral health care, and one way to provide, ensure,
31 or enhance access to care given these barriers is
32 through the appropriate use of technology to allow
33 health care consumers access to qualified health care
34 professionals.

35 5. Additionally, the utilization of telehealth
36 will further the maintenance and improvement of the
37 physical and economic health of patients in medically
38 underserved communities by retaining the source of
39 health care in local areas, strengthening the health
40 infrastructure, and preserving health-care-related
41 jobs.

42 6. A need exists in this state to embrace efforts
43 that will encourage health insurers and health care
44 professionals to support the use of telehealth and that
45 will also encourage all state agencies to evaluate and
46 amend their policies and rules to remove any regulatory
47 barriers prohibiting the use of telehealth.

48 7. Recognition exists that the full potential of
49 delivering health care services through telehealth
50 cannot be realized without the assurance of payment and

1 the resolution of existing legal and policy barriers
2 to such payment.

3 8. The purpose of the Iowa telehealth Act is to
4 provide a framework for health care professionals to
5 utilize in providing telehealth to Iowans in a manner
6 that provides efficient and effective access to quality
7 health care.

8 Sec. ____ . NEW SECTION. 147B.1 Title.

9 This chapter shall be known and may be cited as the
10 "*Iowa Telehealth Act*".

11 Sec. ____ . NEW SECTION. 147B.2 Definitions.

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "*Distant site*" means the site at which a health
15 care professional delivering the service is located at
16 the time the telehealth service is provided.

17 2. "*Health care professional*" means a person who
18 is licensed, certified, or otherwise authorized or
19 permitted by the law of this state to administer health
20 care in the ordinary course of business or in the
21 practice of a profession, or in an approved education
22 or training program, as long as the person is operating
23 within the person's professional scope of practice.

24 3. "*Remote patient monitoring*" means using
25 telehealth to enable the health care professional to
26 monitor and manage a patient's medical, functional, and
27 environmental needs if such needs can be appropriately
28 met through telehealth intervention.

29 4. "*Store-and-forward telehealth*" means the use of
30 asynchronous communications between a patient and a
31 health care professional or between a referring health
32 care professional and a medical specialist at a distant
33 site, supported by telecommunications technology for
34 the purpose of diagnosis, consultation, treatment, or
35 therapeutic assistance in the care of the patient,
36 including the transferring of medical data from one
37 site to another through the use of a camera or similar
38 device that records or stores an image that is sent or
39 forwarded via telecommunications to another site for
40 consultation.

41 5. "*Telehealth*" means the use of real-time,
42 interactive audio or video telecommunications or
43 electronic technology, remote patient monitoring,
44 or store-and-forward telehealth by a health care
45 professional to deliver health care services to a
46 patient within the scope of practice of the health
47 care professional, for the purposes of diagnosis,
48 consultation, treatment, transfer of medical data,
49 or exchange of medical education information.

50 "*Telehealth*" does not include an audio-only telephone

1 call, electronic mail message, or facsimile
2 transmission.

3 Sec. ____ . NEW SECTION. **147B.3 Telehealth.**

4 1. A health care professional, as appropriate to
5 the scope of practice of the profession, may employ
6 the technology of telehealth by applying telehealth
7 within the professional's scope of practice or by
8 using telehealth technology under the direction and
9 supervision of another health care professional who
10 is using telehealth technology within the supervising
11 professional's scope of practice. A health care
12 professional's employment of telehealth acting under
13 the direction and supervision of another health care
14 professional who is using telehealth within that
15 health care professional's scope of practice shall
16 not be interpreted as practicing the supervising
17 professional's health care profession without a license
18 or appropriate authorization. However, any health care
19 professional employing telehealth must hold a current
20 valid license or appropriate authorization to practice
21 the respective profession in the state and be trained,
22 educated, and knowledgeable regarding the health care
23 service provided and technology used and shall not
24 perform duties for which the professional does not have
25 sufficient training, education, and knowledge. Failure
26 to have sufficient training, education, and knowledge
27 is grounds for disciplinary action by the respective
28 board or regulatory authority.

29 2. The applicable board or regulatory authority
30 that exercises regulatory or rulemaking authority
31 over an affected profession under this chapter, or the
32 department in the absence of an applicable board or
33 regulatory authority, shall adopt rules to administer
34 this chapter.

35 3. The standard of care for a professional using
36 telehealth to provide health care services to a patient
37 shall be the same as the standard of care required of
38 that professional for the provision of in-person health
39 care services to a patient.

40 4. The type of setting where telehealth is provided
41 for the patient or by the health care professional
42 shall not be limited if the delivery of health care
43 services is appropriately provided through telehealth.

44 5. This chapter shall not be construed to conflict
45 with or supersede provisions otherwise applicable
46 to the licensure or regulation of health care
47 professionals.

48 6. This chapter shall not be construed to alter
49 the scope of practice of any health care professional,
50 authorize the delivery of health care services in a

1 setting or manner not otherwise authorized by law, or
2 limit a patient's right to choose in-person contact
3 with a health care professional for the delivery of
4 health care services for which telehealth is available.

5 7. If a health care professional provides services
6 pursuant to and in compliance with section 135.24
7 via telehealth in accordance with this chapter, the
8 provisions of section 135.24 including those relating
9 to immunity from civil liability shall apply to such
10 health care professional.

11 Sec. ____ . NEW SECTION. 514C.30 Telehealth.

12 1. Notwithstanding the uniformity of treatment
13 requirements of section 514C.6, a contract, policy, or
14 plan providing for third-party payment or prepayment
15 for health, medical, or surgical coverage benefits may
16 provide coverage for services provided as telehealth if
17 the services would be covered if provided in person.
18 Coverage for telehealth shall reflect generally
19 accepted health care practices and standards, as well
20 as medical care management requirements applicable to
21 in-person services.

22 2. If health care coverage is provided for
23 telehealth under this section, all of the following
24 shall apply:

25 a. This section shall not be interpreted as
26 preventing a third-party payment provider from imposing
27 deductibles or copayment or coinsurance requirements
28 for a health care service provided through telehealth
29 if the deductible, copayment, or coinsurance does
30 not exceed the deductible, copayment, or coinsurance
31 applicable to in-person consultation for the same
32 health care service. A third-party payment provider
33 shall not impose annual or lifetime maximums on
34 coverage of telehealth unless the annual or lifetime
35 maximum applies in the aggregate to all items and
36 services under the contract, policy, or plan.

37 b. This section shall not be interpreted to require
38 a third-party payment provider to provide reimbursement
39 for a health care service that is not a covered benefit
40 or to reimburse a health care professional who is not a
41 covered provider under the contract, policy, or plan.

42 c. This section shall not be interpreted to
43 preclude a third-party payment provider from performing
44 utilization review to determine the appropriateness of
45 telehealth in the delivery of health care services if
46 the determination is made in the same manner as those
47 regarding the same health care service when delivered
48 in person.

49 d. This section shall not be interpreted to
50 authorize a third-party payment provider to require the

1 use of telehealth when the health care professional
2 determines use of telehealth is not appropriate.

3 e. The provisions of this section shall apply to
4 all of the following classes of third-party payment
5 provider contracts, policies, or plans delivered,
6 issued for delivery, continued, or renewed in this
7 state on or after January 1, 2016:

8 (1) Individual or group accident and sickness
9 insurance providing coverage on an expense-incurred
10 basis.

11 (2) An individual or group hospital or medical
12 service contract issued pursuant to chapter 509, 514,
13 or 514A.

14 (3) An individual or group health maintenance
15 organization contract regulated under chapter 514B.

16 (4) An individual or group Medicare supplemental
17 policy, unless coverage pursuant to such policy is
18 preempted by federal law.

19 (5) A plan established pursuant to chapter 509A for
20 public employees.

21 f. This section shall not apply to accident-only,
22 specified disease, short-term hospital or medical,
23 hospital confinement indemnity, credit, dental, vision,
24 long-term care, basic hospital, and medical-surgical
25 expense coverage as defined by the commissioner,
26 disability income insurance coverage, coverage issued
27 as a supplement to liability insurance, workers'
28 compensation or similar insurance, or automobile
29 medical payment insurance.

30 3. The commissioner of insurance shall adopt rules
31 pursuant to chapter 17A as necessary to administer this
32 section.

33 4. For the purposes of this section, "*health care*
34 *professional*" and "*telehealth*" mean as defined in
35 section 147B.2, as enacted in this Act.

36 Sec. ____ . MEDICAID PROGRAM — REIMBURSEMENT FOR
37 TELEHEALTH. The department of human services shall
38 adopt rules to provide for coverage of telehealth under
39 the Medicaid program. The rules shall provide that
40 in-person contact between a health care professional
41 and a patient is not required as a prerequisite for
42 payment for services appropriately provided through
43 telehealth in accordance with generally accepted
44 health care practices and standards prevailing in the
45 applicable professional community at the time the
46 services are provided. Health care services provided
47 through in-person consultations or through telehealth
48 shall be treated as equivalent services for the
49 purposes of reimbursement. As used in this section,
50 "health care professional" and "telehealth" mean as

1 defined in section 147B.2, as enacted in this Act.
2 Sec. _____. STUDY ON USE OF TELEHEALTH. The
3 department of public health, in collaboration with
4 the department of human services, shall convene and
5 conduct a study regarding options for implementing
6 telehealth and telehealth coverage and reimbursement.
7 The division of insurance of the department of commerce
8 shall be available for consultation as needed. The
9 department of public health shall submit a final report
10 of its findings and recommendations to the governor and
11 the general assembly by December 15, 2015.>
12 3. Title page, line 2, after <commerce> by
13 inserting <and involving insurance coverage of
14 telehealth, including professional licensure and
15 reimbursement under the medical assistance program,>
16 4. Title page, line 3, after <effective> by
17 inserting <and applicability>
18 5. By renumbering as necessary.

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