

House File 404 - Introduced

HOUSE FILE 404

BY BERRY

A BILL FOR

1 An Act relating to telehealth relative to professional
2 licensure, insurance coverage, and reimbursement under the
3 medical assistance program.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147.161 Telehealth.

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

23 2. The department, in consultation with those boards that
24 exercise regulatory or rulemaking authority over a profession
25 within whose scope of practice telehealth may be employed,
26 shall adopt rules, as necessary, to implement the requirements
27 of this section relating to the provision of telehealth
28 services by such professionals and shall amend any rules that
29 conflict with the authorization of the use of telehealth as
30 provided in this section.

31 3. As used in this section, "telehealth" or "telehealth
32 services", as it pertains to the delivery of health care
33 services, means synchronous video conferencing, remote patient
34 monitoring, transmission of asynchronous health images, or
35 other health transmissions supported by mobile devices, or

1 other telecommunications technology used for the purpose of
2 diagnosis, consultation, treatment, transfer of medical data,
3 or exchange of medical education information by means of audio,
4 video, or data communications. "Telehealth" or "telehealth
5 services" does not include an audio-only telephone call,
6 electronic mail message, or facsimile transmission.

7 Sec. 2. NEW SECTION. **514C.30 Telehealth services.**

8 1. Notwithstanding the uniformity of treatment requirements
9 of section 514C.6, a contract, policy, or plan providing for
10 third-party payment or prepayment for health, medical, or
11 surgical coverage benefits shall not require face-to-face
12 contact between a health care provider and a patient as a
13 prerequisite for payment for services appropriately provided
14 through telehealth in accordance with generally accepted health
15 care practices and standards prevailing in the applicable
16 professional community at the time the services are provided.
17 Health care services provided through in-person consultations
18 or through telehealth shall be treated as equivalent services
19 for the purposes of coverage.

20 2. This section shall not be interpreted as preventing
21 a third-party payment provider from imposing deductibles or
22 copayment or coinsurance requirements for a health care service
23 provided through telehealth if the deductible, copayment, or
24 coinsurance does not exceed the deductible, copayment, or
25 coinsurance applicable to an in-person consultation for the
26 same health care service.

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

31 a. Individual or group accident and sickness insurance
32 providing coverage on an expense-incurred basis.

33 b. An individual or group hospital or medical service
34 contract issued pursuant to chapter 509, 514, or 514A.

35 c. An individual or group health maintenance organization

1 contract regulated under chapter 514B.

2 *d.* An individual or group Medicare supplemental policy,
3 unless coverage pursuant to such policy is preempted by federal
4 law.

5 *e.* A plan established pursuant to chapter 509A for public
6 employees.

7 4. This section shall not apply to accident-only, specified
8 disease, short-term hospital or medical, hospital confinement
9 indemnity, credit, dental, vision, long-term care, basic
10 hospital, and medical-surgical expense coverage as defined
11 by the commissioner, disability income insurance coverage,
12 coverage issued as a supplement to liability insurance,
13 workers' compensation or similar insurance, or automobile
14 medical payment insurance.

15 5. The commissioner of insurance shall adopt rules pursuant
16 to chapter 17A as necessary to administer this section.

17 Sec. 3. MEDICAID PROGRAM — REIMBURSEMENT FOR
18 TELEHEALTH. The department of human services shall adopt
19 rules to provide for coverage of telehealth services under the
20 Medicaid program. The rules shall provide that face-to-face
21 contact between a health care provider and a patient is
22 not required as a prerequisite for payment for services
23 appropriately provided through telehealth in accordance
24 with generally accepted health care practices and standards
25 prevailing in the applicable professional community at
26 the time the services are provided. Health care services
27 provided through in-person consultations or through telehealth
28 shall be treated as equivalent services for the purposes of
29 reimbursement. For the purposes of this section, "telehealth"
30 or "telehealth services" means the same as defined in section
31 514C.30, as enacted in this Act.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to telehealth. The bill provides

1 legislative findings regarding the use of telehealth services.

2 The bill provides that a health care professional licensed
3 by a professional licensing board under Code chapter 147
4 (health-related professions), as appropriate to the scope
5 of practice of the profession, may employ the technology of
6 telehealth by applying telehealth within the professional's
7 scope of practice or by employing telehealth technology
8 under the direction and supervision of another health care
9 professional who is using telehealth technology within the
10 supervising professional's scope of practice. A health care
11 professional's employment of telehealth technology under the
12 direction and supervision of another health care professional
13 who is acting within that health care professional's scope of
14 practice shall not be interpreted as practicing the supervising
15 professional's health care profession without a license. A
16 health care professional employing telehealth technology must
17 be trained, educated, and knowledgeable regarding the health
18 care service provided and technology used and is prohibited
19 from performing duties for which the professional does not have
20 sufficient training, education, and knowledge. Failure to have
21 sufficient training, education, and knowledge is grounds for
22 disciplinary action by the respective board.

23 The bill directs the department of public health, in
24 consultation with those boards that exercise regulatory or
25 rulemaking authority over a profession within whose scope
26 of practice telehealth may be employed, to adopt rules, as
27 necessary, to implement the requirements relating to the
28 provision of telehealth services by such professionals and to
29 amend any rules that conflict with the authorization of the use
30 of telehealth as provided in the bill.

31 The bill defines "telehealth" or "telehealth services" for
32 the purpose of the professional licensure provisions.

33 The bill provides that beginning January 1, 2016, a
34 contract, policy, or plan providing for third-party payment or
35 prepayment for health, medical, or surgical coverage benefits

1 shall not require face-to-face contact between a health
2 care provider and a patient as a prerequisite for payment
3 for services appropriately provided through telehealth in
4 accordance with generally accepted health care practices and
5 standards prevailing in the applicable professional community
6 at the time the services are provided. Health care services
7 provided through in-person consultations or through telehealth
8 shall be treated as equivalent services for the purposes of
9 coverage.

10 The provision is not to be interpreted as preventing a
11 third-party payment provider from imposing deductibles or
12 copayment or coinsurance requirements for a health care service
13 provided through telehealth if the deductible, copayment, or
14 coinsurance does not exceed the deductible, copayment, or
15 coinsurance applicable to an in-person consultation for the
16 same health care service. The section applies to individual
17 or group accident and sickness insurance providing coverage
18 on an expense-incurred basis; an individual or group hospital
19 or medical service contract issued pursuant to Code chapter
20 509, 514, or 514A; an individual or group health maintenance
21 organization contract regulated under Code chapter 514B; an
22 individual or group Medicare supplemental policy, unless
23 coverage pursuant to such policy is preempted by federal law;
24 and a plan established pursuant to Code chapter 509A for public
25 employees. The provision does not apply to accident-only,
26 specified disease, short-term hospital or medical, hospital
27 confinement indemnity, credit, dental, vision, long-term
28 care, basic hospital, and medical-surgical expense coverage
29 as defined by the commissioner, disability income insurance
30 coverage, coverage issued as a supplement to liability
31 insurance, workers' compensation or similar insurance, or
32 automobile medical payment insurance.

33 The commissioner of insurance is directed to adopt rules
34 pursuant to Code chapter 17A as necessary to administer the
35 provision. The bill defines telehealth services for the

1 purpose of the insurance provision.

2 The bill directs the department of human services to
3 adopt rules to provide for coverage of telehealth services
4 under the Medicaid program. The rules are to provide that
5 face-to-face contact between a health care provider and
6 a patient is not required as a prerequisite for payment
7 for services appropriately provided through telehealth in
8 accordance with generally accepted health care practices and
9 standards prevailing in the applicable professional community
10 at the time the services are provided. Health care services
11 provided through in-person consultations or through telehealth
12 are to be treated as equivalent services for the purposes of
13 reimbursement.