

**2016 -- H 7160 SUBSTITUTE A**

LC003495/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2016**

A N A C T

RELATING TO INSURANCE -- THE TELEMEDICINE COVERAGE ACT

Introduced By: Representatives Kennedy, Shekarchi, Marshall, Azzinaro, and Keable

Date Introduced: January 14, 2016

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 27 of the General Laws entitled "INSURANCE" is hereby amended  
2 by adding thereto the following chapter:

CHAPTER 81

THE TELEMEDICINE COVERAGE ACT

5 **27-81-1. Title.** -- This act shall be known as and may be cited as the "Telemedicine  
6 Coverage Act".

7 **27-81-2. Purpose.** -- The general assembly hereby finds and declares that:

8 (1) The advancements and continued development of medical and communications  
9 technology have had a profound impact on the practice of medicine and offer opportunities for  
10 improving the delivery, cost, and accessibility of health care, particularly in the area of  
11 telemedicine.

12 (2) Geography, weather, availability of specialists, transportation, and other factors can  
13 create barriers to accessing the appropriate health care, including behavioral health care, and one  
14 way to provide, ensure, or enhance access to care given these barriers is through the appropriate  
15 use of technology to allow health care consumers access to qualified health care providers.

16 (3) There is a need in this state to embrace efforts that will encourage health insurers and  
17 health care providers to support the use of telemedicine and that will also encourage all state  
18 agencies to evaluate and amend their policies and rules to remove any regulatory barriers  
19 prohibiting the use of telemedicine services.

1           **27-81-3. Definitions. -- (a) As used in this chapter:**

2           (1) "Distant site" means a site at which a health care provider is located while providing  
3 health care services by means of telemedicine.

4           (2) "Health care facility" means an institution providing health care services or a health  
5 care setting, including, but not limited to, hospitals and other licensed inpatient centers,  
6 ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers,  
7 diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health  
8 settings.

9           (3) "Health care professional" means a physician or other health care practitioner  
10 licensed, accredited or certified to perform specified health care services consistent with state  
11 law.

12           (4) "Health care provider" means a health care professional or a health care facility.

13           (5) "Health care services" means any services included in the furnishing to any individual  
14 of medical, podiatric, or dental care, or hospitalization, or incident to the furnishing of that care or  
15 hospitalization, and the furnishing to any person of any and all other services for the purpose of  
16 preventing, alleviating, curing, or healing human illness, injury, or physical disability.

17           (6) "Health insurer" means any person, firm or corporation offering and/or insuring health  
18 care services on a prepaid basis, including, but not limited to, a nonprofit service corporation, a  
19 health maintenance organization, or an entity offering a policy of accident and sickness insurance.

20           (7) "Health maintenance organization" means a health maintenance organization as  
21 defined in chapter 41 of this title.

22           (8) "Nonprofit service corporation" means a nonprofit hospital service corporation as  
23 defined in chapter 19 of this title or a nonprofit medical service corporation as defined in chapter  
24 20 of this title.

25           (9) "Originating site" means a site at which a patient is located at the time health care  
26 services are provided to them by means of telemedicine, which can be a patient's home where  
27 medically appropriate; provided, however, notwithstanding any other provision of law, health  
28 insurers and health care providers may agree to alternative siting arrangements deemed  
29 appropriate by the parties.

30           (10) "Policy of accident and sickness insurance" means a policy of accident and sickness  
31 insurance as defined in chapter 18 of this title.

32           (11) "Store-and-forward technology" means the technology used to enable the  
33 transmission of a patient's medical information from an originating site to the health care provider  
34 at the distant site without the patient being present.

1           (12) "Telemedicine" means the delivery of clinical health care services by means of real  
2 time two-way electronic audiovisual communications, including the application of secure video  
3 conferencing or store-and-forward technology to provide or support health care delivery, which  
4 facilitate the assessment, diagnosis, treatment, and care management of a patient's health care  
5 while such patient is at an originating site and the health care provider is at a distant site,  
6 consistent with applicable federal laws and regulations. Telemedicine does not include an audio-  
7 only telephone conversation, email message or facsimile transmission between the provider and  
8 patient, or an automated computer program used to diagnose and/or treat ocular or refractive  
9 conditions.

10           **27-81-4. Coverage of telemedicine services. --** (a) Each health insurer that issues  
11 individual or group accident and sickness insurance policies for health care services and/or  
12 provides a health care plan for health care services shall provide coverage for treatment provided  
13 through telemedicine to the extent that coverage is provided and paid for when provided through  
14 in-person consultation between the insured and a health care provider. Such coverage shall be  
15 subject to the same terms and conditions applicable to all other health benefits under the same  
16 policy.

17           (b) A health insurer shall not exclude a health care service for coverage solely because  
18 the health care service is provided through telemedicine and is not provided through in-person  
19 consultation or contact, so long as such health care services are medically appropriate to be  
20 provided through telemedicine services and as may be subject to the terms and conditions of a  
21 telemedicine agreement between the insurer and the participating health care provider or provider  
22 group.

23           (c) Benefit plans offered by a health insurer may impose a deductible, copayment, or  
24 coinsurance requirement for a health care service provided through telemedicine.

25           (d) The requirements of this section shall apply to all policies and health plans issued,  
26 reissued, or delivered in the state of Rhode Island on and after January 1, 2018.

27           (e) This chapter shall not apply to short-term travel, accident-only, limited or specified  
28 disease, or individual conversion policies or health plans, nor to policies or health plans designed  
29 for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known  
30 as Medicare, or any other similar coverage under state or federal governmental plans.

31           **27-81-5. Severability. --** If any provision of this chapter or of any rule or regulation  
32 made under this chapter, or its application to any person or circumstance is held invalid by a court  
33 of competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of  
34 the provision to other persons or circumstances shall not be affected by this invalidity. The

1 [invalidity of any section or sections or parts of any section or sections shall not affect the validity](#)  
2 [of the remainder of the chapter.](#)

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO INSURANCE -- THE TELEMEDICINE COVERAGE ACT

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1           This act would require health insurance policies, plans or contracts issued, reissued or  
2 delivered on or after January 1, 2018, to include provisions for the reimbursement of telemedicine  
3 services in the same manner as such policies, plans or contracts reimburse for health care services  
4 provided through in-person consultation or contact.

5           This act would take effect upon passage.

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