

House Bill 307

By: Representatives Cooper of the 43rd, Lott of the 122nd, Gaines of the 117th, Frye of the 118th, and Hatchett of the 150th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to insurance generally, so as to revise the "Georgia Telehealth Act"; to revise
3 definitions; to authorize health care providers to provide telemedicine services from home;
4 to authorize patients to receive telemedicine services from their home, workplace, or school;
5 to allow for audio-only care under certain circumstances; to prohibit requirement that patient
6 have in-person consultation before receiving telemedicine services; to prohibit more stringent
7 utilization review requirements; to prohibit separate deductibles for telemedicine services;
8 to prohibit requirement that health care providers use a specific telehealth platform or
9 vendor; to prohibit additional restrictions on prescribing medications through telemedicine;
10 to require documentation by health care providers for telemedicine services that equals or
11 exceeds in-person consultation; to provide for related matters; to provide for an effective
12 date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 307

- 1 -

SECTION 1.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by revising Code Section 33-24-56.4, relating to the "Georgia Telehealth Act," as follows:

"33-24-56.4.

(a) This Code section shall be known and may be cited as the 'Georgia Telehealth Act.'

(b) As used in this Code section, the term:

(1) 'Distant site' means a site at which a health care provider legally allowed to practice in this state is located while providing health care services by means of telemedicine or telehealth, which may include the home of the health care provider.

(2) 'Health benefit policy' means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, executed, or renewed in this state, including, but not limited to, any health insurance plan established under Article 1 of Chapter 18 of Title 45 or under Article 7 of Chapter 4 of Title 49.

(3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, provider sponsored health care corporation, managed care entity, or any similar entity authorized to issue contracts under this title or to provide health benefit policies.

(4) 'mHealth' means the collection, sharing, and transferring of patient medical and health information through the use of the internet and wireless devices for patients to obtain or create specialized health information and to engage with online discussion groups for peer-to-peer support.

~~(4)(5)~~ 'Originating site' means a site in this state at which a patient is located at the time health care services are provided to him or her by means of telemedicine or telehealth, ~~unless the term is otherwise defined with respect to the provision in which it is used~~ which may include a patient's home, workplace, or school; provided, however, that

41 notwithstanding any other provision of law, insurers and providers may agree to
42 alternative siting arrangements deemed appropriate by the parties.

43 (6) 'Remote patient monitoring services' means the delivery of home health services
44 using telecommunications technology to enhance the delivery of such services, including
45 monitoring of clinical patient data such as weight, blood pressure, pulse, blood oxygen
46 saturation, blood glucose, and other condition-specific data; medication adherence
47 monitoring; and interactive video conferencing with or without digital image upload.

48 ~~(5)~~(7) 'Store and forward transfer' means the transmission of a patient's medical
49 information either to or from an originating site or to or from the provider at the distant
50 site, but does not require the patient being present nor must it be in real time.

51 ~~(6)~~(8) 'Telehealth' means the use of information and communications technologies,
52 including, but not limited to, telephones, mHealth, remote patient monitoring ~~devices~~
53 services or other electronic means which support clinical health care, provider
54 consultation, patient and professional health related education, public health, and health
55 administration.

56 ~~(7)~~(9) 'Telemedicine' means a form of telehealth which is the delivery of clinical health
57 care services by means of ~~real-time~~ real-time two-way audio, visual, or other
58 telecommunications or electronic communications, including the application of secure
59 video conferencing or store and forward transfer technology to provide or support health
60 care delivery, which facilitate the assessment, diagnosis, consultation, treatment,
61 education, care management, and self-management of a patient's health care by a health
62 care provider practicing within his or her scope of practice as would be practiced
63 in-person with a patient, and legally allowed to practice in this state, while such patient
64 is at an originating site and the health care provider is at a distant site. Such term
65 includes audio-only telephone when no other means of real-time two-way audio, visual,
66 or other telecommunications or electronic communications are available to the patient
67 due to lack of availability of such real-time two-way audio, visual, or other

68 telecommunications or electronic communications, due to lack of adequate broadband
69 access, or because the use of other means of real-time two-way audio, visual, or other
70 telecommunications or electronic communications is infeasible, impractical, or otherwise
71 not medically advisable, as determined by the health care provider providing telemedicine
72 services to the patient or as determined by another health care provider with an existing
73 relationship with the patient.

74 (c) It is the intent of the General Assembly to mitigate geographic discrimination in the
75 delivery of health care by recognizing the application of and payment for covered medical
76 care provided by means of telehealth, provided that such services are provided by a
77 physician or by another health care practitioner or professional acting within the scope of
78 practice of such health care practitioner or professional and in accordance with the
79 provisions of Code Section 43-34-31.

80 (d) Each insurer proposing to issue a health benefit policy shall provide coverage for the
81 cost of health care services provided through telehealth or telemedicine as directed through
82 regulations promulgated by the department.

83 (e) An insurer shall not exclude a service for coverage solely because the service is
84 provided through telemedicine services and is not provided through in-person consultation
85 or contact between a health care provider and a patient for services appropriately provided
86 through telemedicine services.

87 (f) No insurer shall require an in-person consultation or contact before a patient may
88 receive telemedicine services from a health care provider.

89 ~~(f)~~(g) An insurer shall reimburse the treating provider or the consulting provider for the
90 diagnosis, consultation, or treatment of the insured delivered through telemedicine services
91 on the same basis and at least at the rate that the insurer is responsible for coverage for the
92 provision of the same service through in-person consultation or contact; provided, however,
93 that nothing in this subsection shall require a health care provider or telemedicine company
94 to accept more reimbursement than they are willing to charge. Payment for telemedicine

95 interactions shall include reasonable compensation to the originating or distant site for the
96 transmission cost incurred during the delivery of health care services.

97 ~~(g)~~(h) No insurer shall impose any deductible or annual or lifetime dollar maximum on
98 coverage for telemedicine services other than an a deductible or annual or lifetime dollar
99 maximum that applies in the aggregate to all items and services covered under the policy,
100 or impose upon any person receiving benefits pursuant to this Code section any copayment,
101 coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other
102 durational benefit limitation or maximum for benefits or services, that is not equally
103 imposed upon all terms and services covered under the health benefit policy.

104 ~~(h)~~(i) No insurer shall require its insureds to use telemedicine services in lieu of in-person
105 consultation or contact.

106 ~~(i)~~(j) On and after January 1, 2020, every health benefit policy that is issued, amended, or
107 renewed shall include payment for services that are covered under such health benefit
108 policy and are appropriately provided through telehealth in accordance with Code Section
109 43-34-31, this Code section, and generally accepted health care practices and standards
110 prevailing in the applicable professional community at the time the services were provided.

111 (k) No insurer shall impose any type of utilization review on telemedicine services unless
112 such type of utilization review is imposed when the same services are provided through
113 in-person consultation or contact. Any type of utilization review that is imposed on
114 telemedicine services may not occur with greater frequency or more stringent application
115 than the type of utilization review imposed on the same services when provided through
116 in-person consultation or contact.

117 (l) No insurer shall restrict coverage of telehealth or telemedicine services to services
118 provided by a particular vendor, or other third party, or services provided through a
119 particular electronic communications technology platform; provided, however, that nothing
120 in this Code section shall require an insurer to cover any electronic communications
121 technology platform that does not comply with applicable state and federal privacy laws.

122 (m) No insurer shall place any restrictions on prescribing medications through
123 telemedicine that are more restrictive than what is required under applicable state and
124 federal laws for prescribing medications through in-person consultation or contact.

125 (n) A health care provider shall maintain documentation of each health care service
126 provided through telemedicine in a manner that is at least as extensive and thorough as
127 when the health care service is provided through in-person consultation or contact and,
128 upon request, make such documentation available to other health care providers who
129 provide health care services to the patient."

130 **SECTION 2.**

131 This Act shall become effective upon its approval by the Governor or upon its becoming law
132 without such approval.

133 **SECTION 3.**

134 All laws and parts of laws in conflict with this Act are repealed.