

SENATE BILL NO. 129

INTRODUCED BY M. CAFERRO

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURANCE COVERAGE FOR DENTAL SERVICES OFFERED BY TELEMEDICINE; AMENDING SECTION 33-22-138, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-22-138, MCA, is amended to read:

"33-22-138. Coverage for telemedicine services. (1) Each group or individual policy, certificate of disability insurance, subscriber contract, membership contract, or health care services agreement that provides coverage for health care services must provide coverage for health care services provided by a health care provider or health care facility by means of telemedicine if the services are otherwise covered by the policy, certificate, contract, or agreement.

(2) Coverage under this section must be equivalent to the coverage for services that are provided in person by a health care provider or health care facility.

(3) Nothing in this section may be construed to require:

(a) a health insurance issuer to provide coverage for services that are not medically necessary, subject to the terms and conditions of the insured's policy; or

(b) a health care provider to be physically present with a patient at the site where the patient is located unless the health care provider who is providing health care services by means of telemedicine determines that the presence of a health care provider is necessary.

(4) Coverage under this section may be subject to deductibles, coinsurance, and copayment provisions. Special deductible, coinsurance, copayment, or other limitations that are not generally applicable to other medical services covered under the plan may not be imposed on the coverage for services provided by means of telemedicine.

(5) This section does not apply to disability income, hospital indemnity, medicare supplement, specified disease, or long-term care policies.

(6) For the purposes of this section, the following definitions apply:



1 (a) "Health care facility" means a critical access hospital, hospice, hospital, long-term care facility, mental
2 health center, outpatient center for primary care, or outpatient center for surgical services licensed pursuant to
3 Title 50, chapter 5.

4 (b) "Health care provider" means an individual:

5 (i) licensed pursuant to Title 37, chapter 3, 4, 6, 7, 10, 11, 15, 17, 20, 22, 23, 24, 25, or 35;

6 (ii) licensed pursuant to Title 37, chapter 8, to practice as a registered professional nurse or as an
7 advanced practice registered nurse;

8 (iii) certified by the American board of genetic counseling as a genetic counselor; or

9 (iv) certified by the national certification board for diabetes educators as a diabetes educator.

10 (c) "Store-and-forward technology" means electronic information, imaging, and communication that is
11 transferred, recorded, or otherwise stored in order to be reviewed at a later date by a health care provider or
12 health care facility at a distant site without the patient present in real time. The term includes interactive audio,
13 video, and data communication.

14 (d) (i) "Telemedicine" means the use of interactive audio, video, or other telecommunications technology
15 that is:

16 (A) used by a health care provider or health care facility to deliver health care services at a site other
17 than the site where the patient is located; and

18 (B) delivered over a secure connection that complies with the requirements of the Health Insurance
19 Portability and Accountability Act of 1996, 42 U.S.C. 1320d, et seq.

20 (ii) The term includes the use of electronic media for consultation relating to the health care diagnosis
21 or treatment of a patient in real time or through the use of store-and-forward technology.

22 (iii) The term does not include the use of audio-only telephone, e-mail, or facsimile transmissions."
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24 **NEW SECTION. Section 2. Effective date.** [This act] is effective January 1, 2018.

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