

1 ENGROSSED HOUSE
2 BILL NO. 1963

By: Newton of the House

3 and

4 Jech of the Senate
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7 An Act relating to telemedicine; providing
8 definitions; providing health care coverage for
9 certain telemedicine visits when the health care
10 provider is outside of Oklahoma; providing
11 requirements; authorizing the practice of medicine by
12 physicians outside of Oklahoma by telemedicine in
13 certain situations; providing for codification; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6805 of Title 36, unless there
18 is created a duplication in numbering, reads as follows:

19 As used in this act:

20 1. "Entity" means any institution, place, building or agency,
21 public or private, whether organized for profit or not, primarily
22 engaged in the maintenance and operation of facilities for the
23 diagnosis, treatment or care of patients to obtain medical care,
24 surgical care, obstetrical care, or nursing care for illness,
disease, injury, infirmity, or deformity;

1 2. "Gross patient revenue" means the total charges at a
2 hospital's full established rates for the provision of patient care
3 services and includes charges related to hospital-based physician
4 professional services;

5 3. a. "Health benefits plan" means any plan or arrangement
6 that:

7 (1) provides benefits for medical or surgical
8 expenses incurred as a result of a health
9 condition, accident or illness, and

10 (2) is offered by any insurance company, group
11 hospital service corporation or health
12 maintenance organization that delivers or issues
13 for delivery an individual, group, blanket or
14 franchise insurance policy or insurance
15 agreement, a group hospital service contract or
16 an evidence of coverage, or, to the extent
17 permitted by the Employee Retirement Income
18 Security Act of 1974, 29 U.S.C., Section 1001 et
19 seq., by a multiple employer welfare arrangement
20 as defined in Section 3 of the Employee
21 Retirement Income Security Act of 1974, or any
22 other analogous benefit arrangement, whether the
23 payment is fixed or by indemnity,

24 b. Health benefits plan shall not include:

- 1 (1) a plan that provides coverage:
- 2 (a) only for a specified disease or diseases or
- 3 under an individual limited benefit policy,
- 4 (b) only for accidental death or dismemberment,
- 5 (c) only for dental or vision care,
- 6 (d) for a hospital confinement indemnity policy,
- 7 (e) for disability income insurance or a
- 8 combination of accident-only and disability
- 9 income insurance, or
- 10 (f) as a supplement to liability insurance,
- 11 (2) a Medicare supplemental policy as defined by
- 12 Section 1882(g)(1) of the Social Security Act (42
- 13 U.S.C., Section 1395ss),
- 14 (3) workers' compensation insurance coverage,
- 15 (4) medical payment insurance issued as part of a
- 16 motor vehicle insurance policy,
- 17 (5) a long-term care policy including a nursing home
- 18 fixed indemnity policy, unless a determination is
- 19 made that the policy provides benefit coverage so
- 20 comprehensive that the policy meets the
- 21 definition of a health benefits plan, or
- 22 (6) short-term health insurance issued on a
- 23 nonrenewable basis with a duration of six (6)
- 24 months or less;

1 4. "Insured" means a person whose health is covered by an
2 insurance policy;

3 5. "Recommended physician" is the physician to whom a referral
4 is made;

5 6. "Refer" means an action by a referring physician, who is
6 licensed to practice medicine or osteopathy pursuant to the laws of
7 this state, to a recommended physician and the recommended physician
8 delivers medical or osteopathic care to an insured on the referring
9 order of a referring physician;

10 7. "Referring physician" is a physician who makes a referral;
11 and

12 8. "Telemedicine" means technology-enabled health and care
13 management and delivery systems that extend capacity and access,
14 which includes:

15 a. synchronous mechanisms, which may include live
16 audiovisual interaction between a patient and a health
17 care professional or real-time provider to provider
18 consultation through live interactive audiovisual
19 means,

20 b. asynchronous mechanisms, which include store and
21 forward transfers, online exchange of health
22 information between a patient and a health care
23 professional and online exchange of health information
24 between health care professionals, but shall not

1 include the use of automated text messages or
2 automated mobile applications that serve as the sole
3 interaction between a patient and a health care
4 professional,

5 c. remote patient monitoring, and

6 d. other electronic means that support clinical health
7 care, professional consultation, patient and
8 professional health-related education, public health
9 and health administration.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6806 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

13 A. For the purpose of assuring telemedicine coverage with an
14 entity, physician, physician's assistant, advanced practice
15 registered nurse, registered nurse, or licensed practical nurse
16 outside of Oklahoma for treatment of Oklahoma patients at any
17 location with the State of Oklahoma, any health benefit plan that is
18 offered, issued, or renewed in this state by an insurer shall
19 provide coverage of health care services provided through
20 telemedicine provided that:

21 1. The entity's gross patient revenue is equal to or greater
22 than One Billion Dollars (\$1,000,000,000.00); and
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1 2. An Oklahoma licensed physician referred the Oklahoma patient
2 to an entity or physician, physician's assistant, or advanced
3 practice registered nurse outside of Oklahoma state lines.

4 B. If a recommended physician located outside of Oklahoma is
5 referred by an Oklahoma licensed physician to treat an Oklahoma
6 patient, the recommended physician shall be authorized to practice
7 medicine whether or not the recommended physician is licensed by the
8 Oklahoma State Medical Board.

9 SECTION 3. This act shall become effective November 1, 2023.

10 Passed the House of Representatives the 6th day of March, 2023.

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Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2023.

Presiding Officer of the Senate