

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

972Z0397

SENATE BILL NO. 122

Introduced by: Senators Curd, Cronin, Kennedy, Langer, Maher, Peters, Rusch, Soholt, Stalzer, Tidemann, and White and Representatives Hunhoff, Barthel, Bartling, Brunner, Carson, Chase, Glanzer, Hawley, Heinemann, Jensen (Kevin), Kettwig, Lake, Marty, McCleerey, Mills, Peterson (Kent), Pischke, Rasmussen, Reed, Rhoden, Rounds, Rozum, Schoenfish, Smith, Tulson, Willadsen, Wismer, and York

1 FOR AN ACT ENTITLED, An Act to provide for the payment of claims for covered services
2 provided by a health care provider via telemedicine or telehealth.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17 be amended by adding a NEW SECTION to read:

5 Terms used in this Act mean:

6 (1) "Health care professional," as defined in § 58-17F-1;

7 (2) "Health insurer," as defined in § 58-17F-100;

8 (3) "Telemedicine," the delivery of clinical health care services by means of real time
9 two-way electronic audio visual communications, including the application of secure
10 video conferencing or store and forward transfer technology to provide or support
11 health care delivery, which facilitates the assessment, diagnosis, consultation,
12 treatment, education, care management, and self-management of a patient's health
13 care while the patient is at an originating site and the health care provider is at a



1 distant site;

2 (4) "Telehealth," delivering health care services by means of information and
3 communications technologies consisting of telephones, remote patient monitoring
4 devices or other electronic means that facilitate the assessment, diagnosis,
5 consultation, treatment, education, care management, and self-management of a
6 patient's health care while the patient is at the originating site and the health care
7 provider is at the distant site;

8 (5) "Store and forward transfer," the transmission of a patient's medical information from
9 an originating site to the provider at the distant site without the patient being present;

10 (6) "Distant site," a site at which a health care provider is located while providing health
11 care services by means of telemedicine or telehealth;

12 (7) "Originating site," a site at which a patient is located at the time health care services
13 are provided to the patient by means of telemedicine or telehealth.

14 Section 2. That chapter 58-17 be amended by adding a NEW SECTION to read:

15 No health insurer may exclude a service for coverage solely because the service is provided
16 through telemedicine services and is not provided through in-person consultation or contact
17 between a health care professional and a patient for services appropriately provided through
18 telemedicine services.

19 Section 3. That chapter 58-17 be amended by adding a NEW SECTION to read:

20 A health insurer shall reimburse the treating health care professional or the consulting health
21 care professional for the diagnosis, consultation, or treatment of the insured delivered through
22 telemedicine-provided services on the same basis that the health insurer is responsible for
23 coverage for the provision of the same service through in-person consultation or contact.
24 Payment for telemedicine interactions shall include reasonable compensation to the originating

1 site for the cost incurred during the delivery of health care services.

2 Section 4. That chapter 58-17 be amended by adding a NEW SECTION to read:

3 A health insurer may offer a health plan containing a deductible, copayment, or coinsurance
4 requirement for health care service provided through telemedicine-provided services, if the
5 deductible, copayment, or coinsurance does not exceed the deductible, copayment, or
6 coinsurance applicable if the same services were provided through in-person diagnosis,
7 consultation, or treatment.

8 Section 5. That chapter 58-17 be amended by adding a NEW SECTION to read:

9 No health insurer may impose any annual or lifetime dollar maximum on coverage for
10 telemedicine-provided services other than an annual or lifetime dollar maximum that applies
11 in the aggregate to all items and services covered under the policy, or impose upon any person
12 receiving benefits pursuant to this Act any copayment, coinsurance, or deductible amounts, or
13 any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for
14 benefits or services that is not equally imposed upon all terms and services covered under the
15 policy, contract, or plan.

16 Section 6. That chapter 58-17 be amended by adding a NEW SECTION to read:

17 The requirements of this Act apply to any individual or group health insurance policy,
18 contract, certificate, or plan delivered, issued for delivery, or renewed in South Dakota on or
19 after July 1, 2018.