

HOUSE BILL 1065

By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 56;
Title 63 and Title 71, relative to telemedicine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new section:

56-7-2368.

(a) For the purposes of this section, unless the context requires otherwise:

(1) "Adverse decision" includes a determination that the use of telemedicine services rendered or proposed to be rendered was or is not covered under the policy;

(2) "Telemedicine services" means the use of interactive audio, video, or other telecommunications technology by a health care provider to deliver health care services within the scope of the provider's practice at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient.

"Telemedicine services" also includes the use of interactive audio, video, medical and public healthcare supported by mobile devices (mHealth), or other telecommunications technology, by a health care provider to deliver health care services at a site other than the site where the patient is located, including the use of electronic media for consultation relating to the health care diagnosis or treatment of the patient. "Telemedicine services" also includes home telehealth (video conferencing), and remote patient monitoring. "Telemedicine services"

does not include an audio-only telephone conversation, electronic mail message, or facsimile transmission between a health care provider and a patient; and

(3) "Utilization review" means utilization review as defined in § 56-6-703 and includes reviews related to coverage of the delivery by a health care provider or health care services through the use of interactive audio, video or other telecommunications technology.

(b)

(1) All individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued or renewed on or after January 1, 2012, in this state shall cover telemedicine services when the services are appropriately provided through such means.

(2) An insurer, managed health care delivery entity, health maintenance organization or a self-insured group arrangement cannot exclude a service for coverage solely because the service is provided through telemedicine and is not provided through face-to-face consultation or contact between a health care provider and a patient for services appropriately provided through telehealth services.

(c) The benefits required by this section shall be subject to the annual deductible and co-insurance established for all other similar benefits within the policy or contract; provided, that the annual deductible and co-insurance for the benefits required by this section are no greater than the annual deductible and co-insurance established for all

other similar benefits within that policy or contract of insurance. No insurer, managed health care delivery entity, health maintenance organization or a self-insured group arrangement can impose any annual or lifetime dollar maximum on coverage for telemedicine services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to this section any co-payment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

(d) Coverage for health care services provided through telemedicine shall be determined in a manner consistent with coverage for health care services provided through in-person consultation.

(e) Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, medicare supplement, long-term care or other limited benefit health insurance policies, or to any health benefit that is individually underwritten.

(f) Any adverse decision of an insurer, managed health care delivery entity, a health maintenance organization, and a self-insured group arrangement that denies coverage of services provided by telemedicine shall be subject to utilization review procedures under chapter 6, part 7 of this title.

(g) The bureau of TennCare shall not deny coverage for medical assistance under title 71, chapter 5, on the basis that the coverage is provided through telemedicine if the health care service would be covered were it provided through in-person consultation between the recipient and a health care provider.

SECTION 2. Tennessee Code Annotated, Section 71-5-107(a)(12), is amended by adding the following as a new subdivision to be appropriately designated:

(E) Telemedicine services shall be available as a home health benefit for individuals with chronic conditions on and after January 1, 2012.

SECTION 3. This act shall take effect January 1, 2012, the public welfare requiring it.