

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0623.01 Christy Chase x2008

HOUSE BILL 17-1094

HOUSE SPONSORSHIP

Buck and Valdez,

SENATE SPONSORSHIP

Crowder,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE REQUIREMENTS FOR HEALTH
102 BENEFIT PLANS TO COVER HEALTH CARE SERVICES DELIVERED
103 VIA TELEHEALTH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, health benefit plans are required to cover health care services delivered to a covered person by a provider via telehealth in the same manner that the plan covers health care services delivered by a provider in person. The bill clarifies that:

! A health plan cannot restrict or deny coverage of telehealth

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- services based on the communication technology or application used to deliver the telehealth services;
- ! The availability of telehealth services does not change a carrier's obligation to contract with providers available in the community to provide in-person services who are willing to negotiate reasonable contract terms with the carrier;
- ! A covered person may receive telehealth services from a private residence, but the carrier is not required to pay for transmission costs the covered person incurs; and
- ! Telehealth includes health care services provided through audio-visual communication or the use of a HIPAA-compliant application via a cellular telephone but does not include voice-only telephone communication or text messaging.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-123, **amend**
3 (2)(b), (2)(c), (3), and (4)(e) as follows:

4 **10-16-123. Telehealth - definitions.** (2) (b) (I) Subject to all
5 terms and conditions of the health benefit plan, a carrier shall reimburse
6 the treating participating provider or the consulting participating provider
7 for the diagnosis, consultation, or treatment of the covered person
8 delivered through telehealth on the same basis that the carrier is
9 responsible for reimbursing that provider for the provision of the same
10 service through in-person consultation or contact by that provider.

11 (II) A carrier shall not RESTRICT OR deny coverage of a health care
12 service that is a covered benefit:

13 (A) Because the service is provided through telehealth rather than
14 in-person consultation or contact between the participating provider or,
15 subject to section 10-16-704, the nonparticipating provider and the
16 covered person where the health care service is appropriately provided
17 through telehealth; OR

1 (B) BASED ON THE COMMUNICATION TECHNOLOGY OR
2 APPLICATION USED TO DELIVER THE TELEHEALTH SERVICES.

3 (III) Section 10-16-704 applies to this ~~paragraph (b)~~ SUBSECTION
4 (2)(b), AND THE AVAILABILITY OF TELEHEALTH SERVICES DOES NOT
5 MODIFY THE REQUIREMENTS IMPOSED ON CARRIERS UNDER THAT SECTION
6 TO PROVIDE A SUFFICIENT NETWORK OF QUALIFIED PROVIDERS AVAILABLE
7 IN THE COMMUNITY TO PROVIDE IN-PERSON HEALTH CARE SERVICES AND
8 WHO ARE WILLING TO NEGOTIATE WITH THE CARRIER FOR REASONABLE
9 CONTRACT TERMS.

10 (c) A carrier shall include in the payment for telehealth
11 interactions reasonable compensation to the originating site for the
12 transmission cost incurred during the delivery of health care services
13 through telehealth; except that, for purposes of this ~~paragraph (c)~~
14 SUBSECTION (2)(c), IF the originating site ~~does not include~~ IS THE
15 COVERED PERSON'S HOME OR a private residence ~~at which~~ WHERE the
16 covered person is located when he or she receives health care services
17 through telehealth, THE CARRIER IS NOT REQUIRED TO PAY OR REIMBURSE
18 FOR ANY TRANSMISSION COSTS THE COVERED PERSON INCURRED FOR THE
19 DELIVERY OF HEALTH CARE SERVICES THROUGH TELEHEALTH FROM THE
20 COVERED PERSON'S HOME OR A PRIVATE RESIDENCE.

21 (3) A health benefit plan ~~shall~~ IS not ~~be~~ required to pay for
22 consultation provided by a provider by telephone or facsimile UNLESS THE
23 CONSULTATION IS PROVIDED THROUGH AUDIO-VISUAL COMMUNICATION
24 OR THE USE OF A HIPAA-COMPLIANT APPLICATION VIA A CELLULAR
25 TELEPHONE.

26 (4) As used in this section:
27 (e) (I) "Telehealth" means a mode of delivery of health care

1 services through telecommunications systems, including information,
2 electronic, and communication technologies, to facilitate the assessment,
3 diagnosis, consultation, treatment, education, care management, or
4 self-management of a covered person's health care while the covered
5 person is located at an originating site and the provider is located at a
6 distant site. The term includes:

7 (A) Synchronous interactions; ~~and~~

8 (B) Store-and-forward transfers; AND

9 (C) SERVICES PROVIDED THROUGH AUDIO-VISUAL
10 COMMUNICATION OR THE USE OF A HIPAA-COMPLIANT APPLICATION VIA
11 A CELLULAR TELEPHONE.

12 (II) "Telehealth" does not include the delivery of health care
13 services via:

14 (A) VOICE-ONLY telephone COMMUNICATION OR TEXT
15 MESSAGING;

16 (B) Facsimile machine; or

17 (C) Electronic mail systems.

18 **SECTION 2. Effective date - applicability.** This act takes effect
19 upon passage and applies to health benefit plans issued, amended, or
20 renewed on or after said date.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.