SENATE DOCKET, NO. 219 FILED ON: 1/14/2013

SENATE . . . . . No. 467

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to telemedicine .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	*Second Worcester*
Michael R. Knapik	*Second Hampden and Hampshire*
Michael Barrett	*Third Middlesex*
Paul K. Frost	*7th Worcester*

SENATE DOCKET, NO. 219 FILED ON: 1/14/2013

SENATE . . . . . No. 467

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 467) of Michael O. Moore, Michael R. Knapik, Michael Barrett and Paul K. Frost for legislation relative to telemedicine . Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *521* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to telemedicine .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 26. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
6 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
7 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

8 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
9 corporation, medical service corporation, health care corporation, managed care entity, or any
10 similar entity authorized to issue contracts under this title or to provide health benefit policies.

11 "Telemedicine", the use of audio, video or other electronic media for the purpose of
12 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
13 Telemedicine does not include the use of audio only telephone or facsimile.

14 (b) The commission shall provide to an active or retired employee of the commonwealth
15 who is insured under the group insurance commission benefits on a nondiscriminatory basis for
16 the application of telemedicine for covered services provided within the scope of practice of a

17 physician or health care provider as a method of delivery of medical care by which an individual
18 shall receive medical services from a health care provider without in person contact with the
19 provider.

20 (c) The commission may not deny coverage of the sole basis that the coverage is
21 provided through telemedicine if the health care service would be covered if it were provided
22 through in-person consultation between the covered person and a health care provider.

23 (d) Nothing in this section shall prohibit an insurer from providing coverage for only
24 those services that are medically necessary and subject to the terms and conditions of the covered
25 person's policy.

26 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
27 section 47AA the following section:-

28 Section 47BB. (a) As used in this section the following words shall, unless the context
29 clearly requires otherwise, have the following meanings:-

30 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
31 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
32 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

33 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
34 corporation, medical service corporation, health care corporation, managed care entity, or any
35 similar entity authorized to issue contracts under this title or to provide health benefit policies.

36 "Telemedicine", the use of audio, video or other electronic media for the purpose of
37 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
38 Telemedicine does not include the use of audio only telephone or facsimile.

39 (b) An individual policy of accident and sickness insurance issued under section 108 that
40 provides hospital expense and surgical expense insurance and any group blanket or general
41 policy of accident and sickness insurance issued under section 110 that provides hospital expense
42 and surgical expense insurance, which is issued or renewed within or without the
43 commonwealth, shall provide benefits on a nondiscriminatory basis to residents of the
44 commonwealth and to all policyholders having a principal place of employment in the
45 commonwealth for the application of telemedicine for covered services provided within the
46 scope of practice of a physician or health care provider as a method of delivery of medical care
47 by which an individual shall receive medical services from a health care provider without in
48 person contact with the provider.

49 (c) The commission may not deny coverage of the sole basis that the coverage is
50 provided through telemedicine if the health care service would be covered if it were provided
51 through in-person consultation between the covered person and a health care provider.

52 (d) Nothing in this section shall prohibit an insurer from providing coverage for only
53 those services that are medically necessary and subject to the terms and conditions of the covered
54 person's policy.

55 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
56 section 8DD the following section:-

57 Section 8EE. (a) As used in this section the following words shall, unless the context
58 clearly requires otherwise, have the following meanings:-

59 "Health Benefit Policy", Any individual or group plan, policy, or contract for healthcare
60 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
61 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

62 "Insurer", an accident and sickness insurer, fraternal benefit society, hospital service
63 corporation, medical service corporation, health care corporation, managed care entity, or any
64 similar entity authorized to issue contracts under this title or to provide health benefit policies.

65 "Telemedicine", the use of audio, video or other electronic media for the purpose of
66 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
67 Telemedicine does not include the use of audio only telephone or facsimile.

68 (b) A contract between a subscriber and the corporation under an individual or group
69 hospital service plan which is issued or renewed within or without the commonwealth shall
70 provide benefits on a nondiscriminatory basis to residents of the commonwealth and to all
71 policyholders having a principal place of employment in the commonwealth for the application
72 of telemedicine for covered services provided within the scope of practice of a physician or
73 health care provider as a method of delivery of medical care by which an individual shall receive
74 medical services from a health care provider without in person contact with the provider.

75 (c) The commission may not deny coverage of the sole basis that the coverage is
76 provided through telemedicine if the health care service would be covered if it were provided
77 through in-person consultation between the covered person and a health care provider.

78 (d) Nothing in this section shall prohibit an insurer from providing coverage for only
79 those services that are medically necessary and subject to the terms and conditions of the covered
80 person's policy.

81 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
82 section 4DD the following section:-

83 Section 4EE. (a) As used in this section the following words shall, unless the context
84 clearly requires otherwise, have the following meanings:-

85 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare
86 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
87 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

88 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
89 corporation, medical service corporation, health care corporation, managed care entity, or any
90 similar entity authorized to issue contracts under this title or to provide health benefit policies.

91 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
92 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
93 Telemedicine does not include the use of audio only telephone or facsimile.

94 (b) A subscription certificate under an individual or group medical service agreement
95 which is issued or renewed within or without the commonwealth shall provide benefits on a
96 nondiscriminatory basis to residents of the commonwealth and to all policyholders having a
97 principal place of employment in the commonwealth for the application of telemedicine for
98 covered services provided within the scope of practice of a physician or health care provider as a
99 method of delivery of medical care by which an individual shall receive medical services from a
100 health care provider without in person contact with the provider.

101 (c) The commission may not deny coverage of the sole basis that the coverage is
102 provided through telemedicine if the health care service would be covered if it were provided
103 through in-person consultation between the covered person and a health care provider.

104 (d) Nothing in this section shall prohibit an insurer from providing coverage for only
105 those services that are medically necessary and subject to the terms and conditions of the covered
106 person’s policy.

107 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
108 section 4V the following section:-

109 Section 4W. (a) As used in this section the following words shall, unless the context
110 clearly requires otherwise, have the following meanings:-

111 “Health Benefit Policy”, Any individual or group plan, policy, or contract for healthcare
112 services issued, delivered, issued for delivery, executed, or renewed in this state, including, but
113 not limited to, those contracts executed by the Commonwealth on behalf of state employees.

114 “Insurer”, an accident and sickness insurer, fraternal benefit society, hospital service
115 corporation, medical service corporation, health care corporation, managed care entity, or any
116 similar entity authorized to issue contracts under this title or to provide health benefit policies.

117 “Telemedicine”, the use of audio, video or other electronic media for the purpose of
118 diagnosis, consultation, or treatment as it pertains to the delivery of healthcare services.
119 Telemedicine does not include the use of audio only telephone or facsimile.

120 (b) A health maintenance contract issued or renewed within or without the
121 commonwealth shall provide benefits on a nondiscriminatory basis to residents of the
122 commonwealth and to all policyholders having a principal place of employment in the
123 commonwealth for the application of telemedicine for covered services provided within the
124 scope of practice of a physician or health care provider as a method of delivery of medical care
125 by which an individual shall receive medical services from a health care provider without in
126 person contact with the provider.

127 (c) The commission may not deny coverage of the sole basis that the coverage is
128 provided through telemedicine if the health care service would be covered if it were provided
129 through in-person consultation between the covered person and a health care provider.

130 (d) Nothing in this section shall prohibit an insurer from providing coverage for only
131 those services that are medically necessary and subject to the terms and conditions of the covered
132 person’s policy.

133 SECTION 5. All policies, contracts and certificates of health insurance subject to section
134 25 of chapter 32A, section 47AA of chapter 175, section 8DD of chapter 176A, section 4CC of
135 chapter 176B, and section 4V of chapter 176G of the General Laws which are delivered, issued
136 or renewed on or after January 1, 2012 shall conform with the provisions of this act. Form filings
137 implementing this act shall be subject to the approval of the commissioner of insurance.