

HOUSE BILL REPORT

HB 1403

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to telemedicine.

Brief Description: Regarding telemedicine.

Sponsors: Representatives Bergquist, Schmick, Cody, Johnson, Clibborn, Harris, Robinson, DeBolt, Riccelli, Short, Van De Wege, Jinkins, Tharinger, Tarleton, McBride and Gregerson.

Brief History:

Committee Activity:

Health Care & Wellness: 1/30/15, 2/3/15 [DP].

Brief Summary of Bill

- Requires health carriers to reimburse for services provided via telemedicine.
- Allows hospitals to rely on the privileging decisions of another hospital when services are being provided via telemedicine.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 14 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

Minority Report: Do not pass. Signed by 1 member: Representative Caldier.

Staff: Jim Morishima (786-7191).

Background:

I. Reimbursement for Telemedicine.

Telemedicine is the use of electronic communications to provide health care services to a patient at a distance. Electronic communication is accomplished through audio-visual

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equipment permitting real-time, interactive interaction between the patient (at the "originating site") and the provider (at the "distant site"). Similar, but not identical, to telemedicine, "store and forward" technology consists of the storage of clinical information that is subsequently forwarded to a health care provider for diagnosis.

The Uniform Medical Plan covers telemedicine, but only in professional shortage areas as defined by the federal government. The state's Medicaid program also covers telemedicine in certain circumstances. For example, Medicaid reimburses home health agencies for skilled home health visits delivered via telemedicine. Private health carriers are currently not required to cover telemedicine services.

II. Physician Privileging.

Prior to granting privileges to a physician, a hospital must:

- obtain the following information from the physician:
 - the names of any hospital or facility at which the physician had any association, employment, privileges, or practice;
 - information regarding any pending professional medical misconduct proceedings or any pending medical malpractice actions, including the substance of the findings in those actions or proceedings;
 - a confidentiality waiver; and
 - a verification that the information is accurate and complete; and
- obtain the following information from any hospital or facility at which the physician had any association, employment, privileges, or practice:
 - any pending professional misconduct proceedings or any pending medical malpractice actions;
 - any judgment or settlement of a medical malpractice action and any finding of professional misconduct; and
 - any information the hospital or facility is required to report to the Medical Quality Assurance Commission in connection to physician discipline.

Under federal Medicare regulations, when health care services are provided by a physician through telemedicine, the originating site hospital may choose to rely on the privileging decisions made by the distant site hospital if:

- the distant site hospital participates in Medicare;
- the physician is privileged at the distant site hospital;
- the physician is licensed by the state in which the originating site hospital is located; and
- the originating site hospital has evidence of an internal review of the distant site physician's performance and sends the distant site hospital information on the physician's performance for use in the distant site's periodic appraisal of the physician. The information must include all adverse events that result from the telemedicine services and all complaints the originating site hospital has received about the physician.

Summary of Bill:

I. Reimbursement for Telemedicine.

A health plan offered by a health carrier, a health plan offered to state employees and their covered dependents, or a Medicaid managed care plan must reimburse a provider for a health care service delivered through telemedicine or store and forward technology if:

- the plan provides coverage of the health care service when provided in person; and
- the health care service is medically necessary.

If the service is provided through store and forward technology, there must be an associated office visit between the covered person and the referring health care provider, which may be accomplished via telemedicine. Reimbursement for store and forward technology is available only for covered services that are specified in the negotiated agreement between the health plan and the health care provider.

A plan may not distinguish between originating sites that are rural and urban. An originating site for telemedicine includes a hospital, a rural health clinic, a federally qualified health center, a physician's or other provider's office, a community mental health center, a skilled nursing facility, and a renal dialysis center (other than an independent renal dialysis center).

An originating site may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for the facility fee is subject to a negotiated agreement between the originating site and the plan. A site that is not an originating site, including a distant site, may not charge a facility fee.

A plan may subject telemedicine or store and forward services to all terms and conditions of the plan applicable to in-person services, including utilization review, prior authorization, deductibles, copayments, or coinsurance. Reimbursement is not required for a health care service that is not a covered benefit, for providers who are not covered under the plan, or for professional fees to the originating site.

"Telemedicine" is defined as the use of interactive audio, video, or electronic media for the purpose of diagnosis, consultation, or treatment. The term does not include the use of audio-only telephone, facsimile, or electronic mail. "Store and forward technology" is defined as the use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site, which results in the medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or electronic mail. "Originating site" is defined as the physical location of a patient receiving health care services through telemedicine, which prepares the patient for the telemedicine services and provides the infrastructure for the telemedicine services to occur. "Distant site" is defined as the site at which a physician or other licensed provider is physically located at the time a service is delivered through telemedicine.

The Medical Quality Assurance Commission (MQAC), the Nursing Care Quality Assurance Commission (NCQAC), and the Board of Osteopathic Medicine and Surgery (BOMS) must inform the health committees of the Legislature on recommended or adopted criteria under which health care providers from outside Washington would be permitted to deliver telemedicine services to Washington residents that will ensure the quality of services delivered and the safety of the patients receiving the services. The MQAC, the NCQAC, and

the BOMS must provide a progress report to the appropriate committees of the Legislature by December 1, 2014.

The Health Care Authority (HCA), using existing data and resources, must report on the impact on access for underserved communities and the costs to the state and the Medicaid managed health care system for reimbursement of telemedicine services. The HCA must submit the report to the Legislature no later than December 31, 2018.

II. Physician Privileging.

An originating site hospital may rely on a distant site hospital's decision to grant or renew the privileges or association of any physician providing telemedicine services if the originating site hospital has a written agreement with the distant site hospital that assures the following:

- the distant site hospital providing the telemedicine services is a Medicare participating hospital;
- any physician providing telemedicine services at the distant site hospital is fully privileged to provide such services by the distant site hospital;
- any physician providing telemedicine services holds and maintains a valid license to perform such services issued or recognized by Washington; and
- the originating site hospital has evidence of an internal review of the distant site physician's performance and sends the distant site hospital performance information for use in the periodic appraisal of the distant site hospital. The information must include all adverse events that result from the telemedicine services and all complaints the originating site hospital has received about the physician.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except for sections 2 through 4, requiring reimbursement for telemedicine and store and forward services, which take effect January 1, 2017.

Staff Summary of Public Testimony:

(In support) It can be difficult and cost-prohibitive for patients in both rural and urban areas to see specialty providers. It is also sometimes difficult to recruit health providers to work in rural areas. This bill will help keep patients local. Telemedicine can increase access to specialty care in rural communities, alleviate provider shortages, and can lead to better outcomes and cost savings. Telemedicine gets the right care to the right person at the right time. This is a well-balanced bill that will strike a good balance between expanding access and making sure providers are reimbursed. Training will be needed in order for telemedicine to be used effectively.

(Opposed) None.

Persons Testifying: Representative Bergquist, prime sponsor; Lisa Thatcher, Washington State Hospital Association; Cara Towle, University of Washington Medicine; Todd Czartoski, Swedish Neuroscience Institute; Ross Baker, Virginia Mason; Chris Bandoli, Regence Blue Shield; Len Sorrin, Premera Blue Cross; Sydney Smith Zvara, Association of Washington Healthcare Plans; Nova Gattman, Health Workforce Council; and Katie Kolan, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.