

2SHB 1713 - H AMD 119

By Representative Senn

ADOPTED 03/01/2017

1 On page 9, after line 5, insert the following:

2 "NEW SECTION. **Sec. 7.** A new section is added to chapter 71.24
3 RCW to read as follows:

4 (1) Upon initiation or renewal of a contract with the authority,
5 a behavioral health organization shall reimburse a provider for a
6 behavioral health service provided to a covered person who is under
7 eighteen years old through telemedicine or store and forward
8 technology if:

9 (a) The behavioral health organization in which the covered
10 person is enrolled provides coverage of the behavioral health service
11 when provided in person by the provider; and

12 (b) The behavioral health service is medically necessary.

13 (2)(a) If the service is provided through store and forward
14 technology there must be an associated visit between the covered
15 person and the referring provider. Nothing in this section prohibits
16 the use of telemedicine for the associated office visit.

17 (b) For purposes of this section, reimbursement of store and
18 forward technology is available only for those services specified in
19 the negotiated agreement between the behavioral health organization
20 and provider.

21 (3) An originating site for a telemedicine behavioral health
22 service subject to subsection (1) of this section means an
23 originating site as defined in rule by the department or the
24 authority.

25 (4) Any originating site, other than a home, under subsection (3)
26 of this section may charge a facility fee for infrastructure and
27 preparation of the patient. Reimbursement must be subject to a
28 negotiated agreement between the originating site and the behavioral
29 health organization. A distant site or any other site not identified
30 in subsection (3) of this section may not charge a facility fee.

1 (5) A behavioral health organization may not distinguish between
2 originating sites that are rural and urban in providing the coverage
3 required in subsection (1) of this section.

4 (6) A behavioral health organization may subject coverage of a
5 telemedicine or store and forward technology behavioral health
6 service under subsection (1) of this section to all terms and
7 conditions of the behavioral health organization in which the covered
8 person is enrolled, including, but not limited to, utilization
9 review, prior authorization, deductible, copayment, or coinsurance
10 requirements that are applicable to coverage of a comparable
11 behavioral health care service provided in person.

12 (7) This section does not require a behavioral health
13 organization to reimburse:

14 (a) An originating site for professional fees;

15 (b) A provider for a behavioral health service that is not a
16 covered benefit under the behavioral health organization; or

17 (c) An originating site or provider when the site or provider is
18 not a contracted provider with the behavioral health organization.

19 (8) For purposes of this section:

20 (a) "Distant site" means the site at which a physician or other
21 licensed provider, delivering a professional service, is physically
22 located at the time the service is provided through telemedicine;

23 (b) "Hospital" means a facility licensed under chapter 70.41,
24 71.12, or 72.23 RCW;

25 (c) "Originating site" means the physical location of a patient
26 receiving behavioral health services through telemedicine;

27 (d) "Provider" has the same meaning as in RCW 48.43.005;

28 (e) "Store and forward technology" means use of an asynchronous
29 transmission of a covered person's medical or behavioral health
30 information from an originating site to the provider at a distant
31 site which results in medical or behavioral health diagnosis and
32 management of the covered person, and does not include the use of
33 audio-only telephone, facsimile, or email; and

34 (f) "Telemedicine" means the delivery of health care or
35 behavioral health services through the use of interactive audio and
36 video technology, permitting real-time communication between the
37 patient at the originating site and the provider, for the purpose of
38 diagnosis, consultation, or treatment. For purposes of this section
39 only, "telemedicine" does not include the use of audio-only
40 telephone, facsimile, or email.

1 (9) The authority must adopt rules as necessary to implement the
2 provisions of this section."

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

5 On page 9, beginning on line 17, strike all of section 9

6 On page 9, after line 18, insert the following:

7 "NEW SECTION. **Sec. 10.** Section 7 of this act takes effect
8 January 1, 2018, but only if neither Substitute House Bill No. 1388
9 (including any later amendments or substitutes) nor Substitute Senate
10 Bill No. 5259 (including any later amendments or substitutes) is
11 signed into law by the governor by the effective date of this
12 section.

13 NEW SECTION. **Sec. 11.** Section 8 of this act takes effect only
14 if Substitute House Bill No. 1388 (including any later amendments or
15 substitutes) or Substitute Senate Bill No. 5259 (including any later
16 amendments or substitutes) is signed into law by the governor by the
17 effective date of this section."

18 Renumber the remaining section consecutively and correct any
19 internal references accordingly.

20 Correct the title.

EFFECT: Provides for consistent agency designations in the event
that either HB 1388 or SB 5259, relating to transferring
responsibilities for behavioral health services from the Department
of Social and Health Services to the Health Care Authority and the
Department of Health, is enacted.

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