

SB 5436 - H AMD 443

By Representative Senn

ADOPTED 04/06/2017

1 On page 8, after line 21, insert the following:

2 "NEW SECTION. **Sec. 4.** 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
5 department, a behavioral health organization shall reimburse a
6 provider for a behavioral health service provided to a covered
7 person who is under eighteen years old through telemedicine or store
8 and forward technology if:

9 (a) The behavioral health organization in which the covered
10 person is enrolled provides coverage of the behavioral health
11 service 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 health
24 care authority.

25 (4) Any originating site, other than a home, under subsection
26 (3) of this section may charge a facility fee for infrastructure and
27 preparation of the patient. Reimbursement must be subject to a

1 negotiated agreement between the originating site and the behavioral
2 health organization. A distant site or any other site not identified
3 in subsection (3) of this section may not charge a facility fee.

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

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

15 (7) This section does not require a behavioral health
16 organization to reimburse:

17 (a) An originating site for professional fees;

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

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

22 (8) For purposes of this section:

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

26 (b) "Hospital" means a facility licensed under chapter 70.41,
27 71.12, or 72.23 RCW;

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

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

31 (e) "Store and forward technology" means use of an asynchronous
32 transmission of a covered person's medical or behavioral health
33 information from an originating site to the provider at a distant
34 site which results in medical or behavioral health diagnosis and

1 management of the covered person, and does not include the use of
2 audio-only telephone, facsimile, or email; and

3 (f) "Telemedicine" means the delivery of health care or
4 behavioral health services through the use of interactive audio and
5 video technology, permitting real-time communication between the
6 patient at the originating site and the provider, for the purpose of
7 diagnosis, consultation, or treatment. For purposes of this section
8 only, "telemedicine" does not include the use of audio-only
9 telephone, facsimile, or email.

10 (9) The department must, in consultation with the health care
11 authority, adopt rules as necessary to implement the provisions of
12 this section.

13

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24
15 RCW to read as follows:

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

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

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

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

29 (b) For purposes of this section, reimbursement of store and
30 forward technology is available only for those services specified in
31 the negotiated agreement between the behavioral health organization
32 and provider.

33 (3) An originating site for a telemedicine behavioral health
34 service subject to subsection (1) of this section means an

1 originating site as defined in rule by the department or the
2 authority.

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

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

12 (6) A behavioral health organization may subject coverage of a
13 telemedicine or store and forward technology behavioral health
14 service under subsection (1) of this section to all terms and
15 conditions of the behavioral health organization in which the
16 covered person is enrolled, including, but not limited to,
17 utilization review, prior authorization, deductible, copayment, or
18 coinsurance requirements that are applicable to coverage of a
19 comparable behavioral health care service provided in person.

20 (7) This section does not require a behavioral health
21 organization to reimburse:

22 (a) An originating site for professional fees;

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

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

27 (8) For purposes of this section:

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

31 (b) "Hospital" means a facility licensed under chapter 70.41,
32 71.12, or 72.23 RCW;

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

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

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

8 (f) "Telemedicine" means the delivery of health care or
9 behavioral health services through the use of interactive audio and
10 video technology, permitting real-time communication between the
11 patient at the originating site and the provider, for the purpose of
12 diagnosis, consultation, or treatment. For purposes of this section
13 only, "telemedicine" does not include the use of audio-only
14 telephone, facsimile, or email.

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

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

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21 On page 8, line 22, after "**Sec. 4.**" insert "(1)"

22

23 On page 8, after line 23, insert the following:

24 "(2) Section 4 of this act of this act takes effect January 1,
25 2018, but only if neither Substitute House Bill No. 1388 (including
26 any later amendments or substitutes) nor Substitute Senate Bill No.
27 5259 (including any later amendments or substitutes) is signed into
28 law by the governor by the effective date of this section.

29 (3) Section 5 of this act takes effect January 1, 2018, only if
30 Substitute House Bill No. 1388 (including any later amendments or
31 substitutes) or Substitute Senate Bill No. 5259 (including any later
32 amendments or substitutes) is signed into law by the governor by the
33 effective date of this section."

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1 Correct the title.

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EFFECT: Requires a behavioral health organization (BHO) to reimburse a provider for covered, medically necessary services provided to a covered person under the age of 18 through telemedicine or store and forward technology. Requires reimbursement for store and forward services only if the services are specified in a negotiated agreement between the BHO and the provider and there is an associated visit, which may be provided through telemedicine. Allows originating sites, other than a home, to charge a facility fee. Prohibits a BHO from distinguishing between urban and rural originating sites. Allows a BHO to subject coverage for telemedicine or store and forward services to all terms and conditions applicable to in-person services. Provides for consistent agency designations in the event that either HB 1388 or SB 5259, relating to transferring responsibility 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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