Health Care & Wellness Committee

HB 1821

Brief Description: Concerning the definition of established relationship for purposes of audio-only telemedicine.

Sponsors: Representatives Schmick, Riccelli, Cody and Graham.

Brief Summary of Bill

- Changes the definition of "established relationship" for purposes of reimbursement for audio-only telemedicine.

Hearing Date: 1/17/22

Staff: Jim Morishima (786-7191).

Background:

Health coverage offered by a health carrier, the Public Employees Benefits Board, the School Employees Benefits Board, a Medicaid managed care plan, or a behavioral health administrative services organization must reimburse providers for health care services provided through telemedicine or store and forward technology if:
- the services are covered services;
- the services are medically necessary;
- the services are essential health benefits under the federal Patient Protection and Affordable Care Act;
- the services are determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards; and
- the technology meets state and federal standards governing the privacy and security of protected health information.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Additional requirements apply for audio-only telemedicine, including that the provider have an established relationship with the provider. An established relationship exists if the person has had at least one in-person appointment within the past year with the audio-only telemedicine provider or a provider in the same clinic or the covered person was referred by another provider who has had at least one in-person appointment with the person within the past year and has given relevant medical information to the audio-only telemedicine provider. The established relationship requirement takes effect January 1, 2023.

In 2021 the Collaborative for the Advancement of Telemedicine (Collaborative) was directed to study the need for an established relationship for audio-only telemedicine. The Collaborative's recommendations included:
- changing the time period within which the previous appointment took place from one year to three years;
- allowing the previous appointment to take place via audio-video technology;
- allowing the appointment to be with a provider in the same medical group, in addition to the same clinic; and
- adding a requirement that the audio-only telemedicine provider have access to the patient's real-time or electronic medical record.

Summary of Bill:

The definition of "established relationship" for purposes of audio-only telemedicine is changed by:
- expanding the period within which a previous appointment took place from one year to three years for behavioral health services and two years for all other health care services;
- allowing the previous appointment to take place via audio-video technology for behavioral health services—the appointment must still be in person for other health care services;
- allowing the previous appointment to be with a provider in the same medical group, in addition to the same clinic; and
- expanding what constitutes an established relationship to include situations where the audio-only telemedicine provider has direct access to the patient's current health record.

For purposes of the provisions in the definition relating to behavioral health, behavioral health services are services included in the essential health benefits category of "Mental Health and Substance Use Disorder Services, Including Behavioral Health Treatment."

Appropriation: None.

Fiscal Note: Requested on January 11, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.