

# FINAL BILL REPORT

## SB 5036

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**C 8 L 23**  
Synopsis as Enacted

**Brief Description:** Concerning telemedicine.

**Sponsors:** Senators Muzzall, Holy, Van De Wege and Warnick.

**Senate Committee on Health & Long Term Care**  
**House Committee on Health Care & Wellness**

**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.

Additional requirements apply for audio-only telemedicine, including that the provider have an established relationship with the patient. An established relationship exists if the provider providing audio-only telemedicine has access to sufficient health records to ensure safe, effective, and appropriate care services and:

- for behavioral health services included as an essential health benefit, the covered person has had, within the past three years, at least one in-person appointment, or at least one real-time interactive appointment using both audio and video technology with the provider or a provider within the same medical group, clinic, or integrated delivery system, or the the covered person was referred to the provider by another provider who had, within the past three years, at least one in-person appointment, or

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- at least one real-time interactive appointment using both audio and video technology;  
and
- for all other health care services, the covered person has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology with the provider or a provider within the same medical group, clinic, or integrated delivery system, or the covered person was referred to the provider by another provider who has had, within the past two years, at least one in-person appointment, or, until January 1, 2024, at least one real-time interactive appointment using both audio and video technology.

**Summary:** The definition of established relationship for purposes of providing audio-only telemedicine for health care services other than behavioral health essential health benefits, is changed by allowing the previous appointment with the provider, or a provider within the same medical group, clinic, or integrated delivery system, to take place via audio-video technology until July 1, 2024, after which the appointment must take place in person.

**Votes on Final Passage:**

Senate	48	0
House	96	0

**Effective:** July 23, 2023