

Senate Bill 118

By: Senators Unterman of the 45th, Hufstetler of the 52nd, Burke of the 11th, Walker III of the 20th, Kirk of the 13th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to insurance generally, so as to modernize the Georgia Telemedicine Act; to rename
3 the Telemedicine Act the Telehealth Act; to revise the definition of telemedicine; to provide
4 a definition of telehealth; to prohibit insurers from requiring insureds to use telemedicine;
5 to provide for pay equity for health care providers using telemedicine; to provide for related
6 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
10 insurance generally, is amended by revising Code Section 33-24-56.4, relating to payment
11 for telemedicine services, as follows:

12 "33-24-56.4.

13 (a) This Code section shall be known and may be cited as the 'Georgia ~~Telemedicine~~
14 Telehealth Act.'

15 (b) As used in this Code section, the term:

16 (1) 'Distant site' means a site at which a health care provider legally allowed to practice
17 in this state is located while providing health care services by means of telemedicine or
18 telehealth.

19 ~~(1)(2)~~ (2) 'Health benefit policy' means any individual or group plan, policy, or contract for
20 health care services issued, delivered, issued for delivery, executed, or renewed in this
21 state, including, but not limited to, ~~those contracts executed by the State of Georgia on~~
22 ~~behalf of state employees~~ any health insurance plan established under Article 1 of
23 Chapter 18 of Title 45, by an insurer, or under Article 7 of Chapter 4 of Title 49.

24 ~~(2)(3)~~ (3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital
25 service corporation, medical service corporation, health care corporation, health
26 maintenance organization, ~~preferred provider organization,~~ provider sponsored health

27 care corporation, managed care entity, or any similar entity authorized to issue contracts
 28 under this title or to provide health benefit policies.

29 (4) 'Originating site' means a site in this state at which a patient is located at the time
 30 health care services are provided to him or her by means of telemedicine or telehealth,
 31 unless the term is otherwise defined with respect to the provision in which it is used;
 32 provided, however, that notwithstanding any other provision of law, insurers and
 33 providers may agree to alternative siting arrangements deemed appropriate by the parties.

34 (5) 'Store and forward transfer' means the transmission of a patient's medical information
 35 either to or from an originating site or to or from the provider at the distant site, but does
 36 not require the patient being present nor must it be in real time.

37 (6) 'Telehealth' means the use of information and communications technologies,
 38 including, but not limited to, telephones, remote patient monitoring devices or other
 39 electronic means which support clinical health care, provider consultation, patient and
 40 professional health related education, public health, and health administration.

41 ~~(3)(7) 'Telemedicine' means the practice, by a duly licensed physician or other health~~
 42 ~~care provider acting within the scope of such provider's practice, of health care delivery,~~
 43 ~~diagnosis, consultation, treatment, or transfer of medical data by means of audio, video,~~
 44 ~~or data communications which are used during a medical visit with a patient or which are~~
 45 ~~used to transfer medical data obtained during a medical visit with a patient. Standard~~
 46 ~~telephone, facsimile transmissions, unsecured e-mail, or a combination thereof do not~~
 47 ~~constitute telemedicine services: a form of telehealth which is the delivery of clinical~~
 48 health care services by means of real time two-way audio, visual, or other
 49 telecommunications or electronic communications, including the application of secure
 50 video conferencing or store and forward transfer technology to provide or support health
 51 care delivery, which facilitate the assessment, diagnosis, consultation, treatment,
 52 education, care management, and self-management of a patient's health care by a health
 53 care provider practicing within his or her scope of practice as would be practiced
 54 in-person with a patient, and legally allowed to practice in this state, while such patient
 55 is at an originating site and the health care provider is at a distant site.

56 (c) It is the intent of the General Assembly to mitigate geographic discrimination in the
 57 delivery of health care by recognizing the application of and payment for covered medical
 58 care provided by means of ~~telemedicine~~ telehealth, provided that such services are provided
 59 by a physician or by another health care practitioner or professional acting within the scope
 60 of practice of such health care practitioner or professional and in accordance with the
 61 provisions of Code Section 43-34-31.

62 (d) Each insurer proposing to issue a health benefit policy shall provide coverage for the
 63 cost of health care services provided through telehealth or telemedicine as directed through
 64 regulations promulgated by the department.

65 (e) An insurer shall not exclude a service for coverage solely because the service is
 66 provided through telemedicine services and is not provided through in-person consultation
 67 or contact between a health care provider and a patient for services appropriately provided
 68 through telemedicine services.

69 (f) An insurer shall reimburse the treating provider or the consulting provider for the
 70 diagnosis, consultation, or treatment of the insured delivered through telemedicine services
 71 on the same basis and at least at the rate that the insurer is responsible for coverage for the
 72 provision of the same service through in-person consultation or contact; provided, however,
 73 that nothing in this subsection shall require a health care provider or telemedicine company
 74 to accept more reimbursement than they are willing to charge. Payment for telemedicine
 75 interactions shall include reasonable compensation to the originating or distant site for the
 76 transmission cost incurred during the delivery of health care services.

77 (g) No insurer shall impose any annual or lifetime dollar maximum on coverage for
 78 telemedicine services other than an annual or lifetime dollar maximum that applies in the
 79 aggregate to all items and services covered under the policy, or impose upon any person
 80 receiving benefits pursuant to this Code section any copayment, coinsurance, or deductible
 81 amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation
 82 or maximum for benefits or services, that is not equally imposed upon all terms and
 83 services covered under the health benefit policy.

84 (h) No insurer shall require its insureds to use telemedicine services in lieu of in-person
 85 consultation or contact.

86 ~~(d)~~(i) On and after July 1, 2005 January 1, 2020, every health benefit policy that is issued,
 87 amended, or renewed shall include payment for services that are covered under such health
 88 benefit policy and are appropriately provided through telemedicine telehealth in accordance
 89 with Code Section 43-34-31, this Code section, and generally accepted health care
 90 practices and standards prevailing in the applicable professional community at the time the
 91 services were provided. The coverage required in this Code section may be subject to all
 92 terms and conditions of the applicable health benefit plan."

93 **SECTION 2.**

94 This Act shall become effective on January 1, 2020.

95 **SECTION 3.**

96 All laws and parts of laws in conflict with this Act are repealed.