



159956

LEGISLATIVE ACTION

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| Senate     | . | House |
| Comm: FAV  | . |       |
| 04/03/2013 | . |       |
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The Committee on Health Policy (Joyner) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Telemedicine services.—

(1) As used in this section, the term "telemedicine services," as it pertains to the delivery of health care services, means synchronous video conferencing, remote patient monitoring, asynchronous health images, or other health transmissions supported by mobile devices, such as mHealth, or other telecommunications technology used for the purpose of diagnosis, consultation, treatment, transfer of medical data, or



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13 exchange of medical education information by means of audio,  
14 video, or data communications. The term does not include an  
15 audio-only telephone call, e-mail message, or facsimile  
16 transmission.

17 (2) On or after January 1, 2014, a health insurance policy  
18 that is issued, amended, or renewed may not require face-to-face  
19 contact between a health care provider and a patient as a  
20 prerequisite for payment for services appropriately provided  
21 through telemedicine in accordance with generally accepted  
22 health care practices and standards prevailing in the applicable  
23 professional community at the time the services are provided.  
24 This requirement is subject to all terms and conditions  
25 negotiated between the provider and the health insurer or health  
26 plan. Medicaid services provided through fee-for-service or a  
27 managed care delivery system may not be denied as a creditable  
28 Medicaid service on the basis that the coverage is provided  
29 through telemedicine. Health care services covered through in-  
30 person consultations or through telemedicine shall be treated as  
31 equivalent services from an insurance coverage and payment  
32 perspective.

33 (3) This section does not prevent a health insurer or  
34 health plan from imposing deductibles or copayment or  
35 coinsurance requirements for a health care service provided  
36 through telemedicine if the deductible, copayment, or  
37 coinsurance does not exceed the deductible, copayment, or  
38 coinsurance applicable to an in-person consultation for the same  
39 health care service.

40 (4) This section does not preclude a licensed health care  
41 practitioner, as defined in s. 456.001, Florida Statutes, who is



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42 acting within the scope of his or her practice from employing  
43 the technology of telemedicine, applying telemedicine within his  
44 or her practice, or using telemedicine technology under the  
45 direction and supervision of another health care practitioner  
46 who is using telemedicine technology within the supervising  
47 practitioner's scope of practice. When acting under the  
48 direction and supervision of another health care practitioner,  
49 the use of telemedicine technology may not be interpreted as  
50 practicing medicine without a license. However, any health care  
51 practitioner employing telemedicine technology must be trained,  
52 educated, and knowledgeable about the procedure and technology  
53 and may not perform duties for which the practitioner does not  
54 have sufficient training, education, or knowledge. Failure to  
55 have adequate training, education, and knowledge is grounds for  
56 disciplinary action by the board, or the department if there is  
57 no board.

58 (5) The Department of Health, in consultation with those  
59 boards within the department which exercise regulatory or  
60 rulemaking functions relating to health care practitioners as  
61 defined in s. 456.001, Florida Statutes, may adopt rules, as  
62 necessary, to implement the requirements of this section  
63 relating to the provision of telemedicine services by such  
64 practitioners, and shall repeal any rules that prohibit the use  
65 of telemedicine in this state.

66 Section 2. The Department of Health shall lead and conduct  
67 an interagency study, which also includes the Department of  
68 Children and Families and the Agency for Health Care  
69 Administration, on options for implementing telemedicine  
70 services and coverage, including multipayer coverage and



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71 reimbursement, for stroke diagnosis, high-risk pregnancies,  
72 premature births, mental health services, and emergency  
73 services. The Department of Health shall submit a final report  
74 of its findings and recommendations to the President of the  
75 Senate and the Speaker of the House of Representatives by July  
76 1, 2014.

77 Section 3. This act shall take effect July 1, 2013.

78  
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete everything before the enacting clause  
82 and insert:

83 A bill to be entitled  
84 An act relating to telemedicine; defining the term  
85 "telemedicine"; providing that a health insurance  
86 policy or Medicaid may not require face-to-face  
87 contact between a health care provider and patient as  
88 a prerequisite to coverage or reimbursement for  
89 services; clarifying that the use of telemedicine  
90 technology under the supervision of another health  
91 care practitioner may not be interpreted as practicing  
92 medicine without a license; authorizing the Department  
93 of Health to adopt rules and to repeal any rules that  
94 prohibit the use of telemedicine; requiring the  
95 department to conduct a study, which includes the  
96 Department of Children and Families and the Agency for  
97 Health Care Administration, on options for  
98 implementing telemedicine for certain services;  
99 requiring the Department of Health to submit a report



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100 to the Legislature; providing an effective date.

101  
102 WHEREAS, telemedicine services are those services that use  
103 electronic technology to overcome a geographic distance between  
104 patients and health care providers for the purposes of  
105 assessing, monitoring, intervening, clinical managing, or  
106 educating patients, and

107 WHEREAS, the Legislature recognizes the demonstrated cost-  
108 effectiveness, improvements in disease management, and improved  
109 patient outcomes that result from the provision of telemedicine  
110 services, and that studies have demonstrated significant  
111 reductions in hospitalizations and otherwise necessary medical  
112 care as a result of telemedicine intervention, and

113 WHEREAS, geography, weather, availability to specialists,  
114 transportation, and other factors can create barriers to  
115 accessing appropriate health and mental health care, and that  
116 one way to provide, ensure, or enhance access to care given  
117 these barriers is through the appropriate use of technology to  
118 allow health care consumers access to qualified health care  
119 providers, and

120 WHEREAS, the Legislature seeks to embrace efforts that will  
121 encourage health insurers and health providers to support the  
122 use of telemedicine and that will also encourage all state  
123 agencies to evaluate and amend their policies and rules to  
124 remove any regulatory barriers prohibiting the use of  
125 telemedicine, NOW THEREFORE,