



698240

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RE | . | |
| 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 health professional,
41 acting within the scope of the health professional's practice,



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42 from employing the technology of telemedicine or participating
43 in the application of telemedicine within the health
44 professional's practice or under the direction of another health
45 professional with such scope of practice. Such action may not be
46 interpreted as practicing medicine without a license.

47 (5) The Department of Health, in consultation with those
48 boards within the department which exercise regulatory or
49 rulemaking functions relating to health care practitioners as
50 defined in s. 456.001, Florida Statutes, may adopt rules, as
51 necessary, to implement the requirements of this section
52 relating to the provision of telemedicine services by such
53 practitioners, and shall repeal any rules that prohibit the use
54 of telemedicine in this state.

55 Section 2. The Department of Health shall lead and conduct
56 an interagency study, which also includes the Department of
57 Children and Families and the Agency for Health Care
58 Administration, on options for implementing telemedicine
59 services and coverage, including multipayer coverage and
60 reimbursement, for stroke diagnosis, high-risk pregnancies,
61 premature births, mental health services, and emergency
62 services. The Department of Health shall submit a final report
63 of its findings and recommendations to the President of the
64 Senate and the Speaker of the House of Representatives by July
65 1, 2014.

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

68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70 Delete everything before the enacting clause



71 and insert:

72 A bill to be entitled
73 An act relating to telemedicine; defining the term
74 "telemedicine"; providing that a health insurance
75 policy or Medicaid may not require face-to-face
76 contact between a health care provider and patient as
77 a prerequisite to coverage or reimbursement for
78 services; authorizing the Department of Health to
79 adopt rules and to repeal any rules that prohibit the
80 use of telemedicine; requiring the department to
81 conduct a study, which includes the Department of
82 Children and Families and the Agency for Health Care
83 Administration, on options for implementing
84 telemedicine for certain services; requiring the
85 Department of Health to submit a report to the
86 Legislature; providing an effective date.

87
88 WHEREAS, telemedicine services are those services that use
89 electronic technology to overcome a geographic distance between
90 patients and health care providers for the purposes of
91 assessing, monitoring, intervening, clinical managing, or
92 educating patients, and

93 WHEREAS, the Legislature recognizes the demonstrated cost-
94 effectiveness, improvements in disease management, and improved
95 patient outcomes that result from the provision of telemedicine
96 services, and that studies have demonstrated significant
97 reductions in hospitalizations and otherwise necessary medical
98 care as a result of telemedicine intervention, and

99 WHEREAS, geography, weather, availability to specialists,



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100 transportation, and other factors can create barriers to
101 accessing appropriate health and mental health care, and that
102 one way to provide, ensure, or enhance access to care given
103 these barriers is through the appropriate use of technology to
104 allow health care consumers access to qualified health care
105 providers, and

106 WHEREAS, the Legislature seeks to embrace efforts that will
107 encourage health insurers and health providers to support the
108 use of telemedicine and that will also encourage all state
109 agencies to evaluate and amend their policies and rules to
110 remove any regulatory barriers prohibiting the use of
111 telemedicine, NOW THEREFORE,