

1 A bill to be entitled
2 An act relating to telemedicine; defining the term
3 "telemedicine services"; prohibiting a health
4 insurance policy or Medicaid from requiring face-to-
5 face contact between a health care provider and
6 patient as a prerequisite to coverage or reimbursement
7 for services; clarifying that the use of telemedicine
8 technology under the supervision of another health
9 care practitioner may not be interpreted as practicing
10 medicine without a license; authorizing the Department
11 of Health to adopt rules; requiring the department to
12 repeal any rule that prohibits the use of
13 telemedicine; requiring the department to conduct a
14 study on options for implementing telemedicine for
15 certain services; requiring the Department of Health
16 to submit a report to the Legislature; providing an
17 effective date.

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19 WHEREAS, telemedicine services are those services that use
20 electronic technology to overcome a geographic distance between
21 patients and health care providers for the purpose of
22 intervention, clinical management, or assessing, monitoring, or
23 educating patients, and

24 WHEREAS, the Legislature recognizes the demonstrated cost-
25 effectiveness, improvements in disease management, and improved
26 patient outcomes that result from the provision of telemedicine
27 services and further recognizes that studies have demonstrated
28 significant reductions in hospitalizations and otherwise

29 necessary medical care as a result of telemedicine intervention,
 30 and

31 WHEREAS, geography, weather, availability of specialists,
 32 transportation, and other factors can create barriers to
 33 accessing appropriate health and mental health care, and one way
 34 to provide, ensure, or enhance access to care given these
 35 barriers is through the appropriate use of technology to allow
 36 health care consumers access to qualified health care providers,
 37 and

38 WHEREAS, the Legislature seeks to embrace efforts that will
 39 encourage health insurers and health care providers to support
 40 the use of telemedicine and that will also encourage all state
 41 agencies to evaluate and amend their policies and rules to
 42 remove any regulatory barriers prohibiting the use of
 43 telemedicine, NOW, THEREFORE,

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45 Be It Enacted by the Legislature of the State of Florida:

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47 Section 1. Telemedicine services.—

48 (1) As used in this section, the term "telemedicine
 49 services" or "telemedicine," as it pertains to the delivery of
 50 health care services, means synchronous video conferencing,
 51 remote patient monitoring, transmission of asynchronous health
 52 images, or other health transmissions supported by mobile
 53 devices, such as mHealth, or other telecommunications technology
 54 used for the purpose of diagnosis, consultation, treatment,
 55 transfer of medical data, or exchange of medical education
 56 information by means of audio, video, or data communications.

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57 The term does not include an audio-only telephone call, e-mail
58 message, or facsimile transmission.

59 (2) Beginning January 1, 2015, subject to all terms and
60 conditions negotiated between a health care provider and a
61 health insurer or health plan, a health insurance policy that is
62 issued, amended, or renewed may not require face-to-face contact
63 between a health care provider and a patient as a prerequisite
64 for payment for services appropriately provided through
65 telemedicine in accordance with generally accepted health care
66 practices and standards prevailing in the applicable
67 professional community at the time the services are provided.
68 Medicaid services provided through fee-for-service or a managed
69 care delivery system may not be denied as creditable Medicaid
70 services on the basis that the coverage is provided through
71 telemedicine. Health care services covered through in-person
72 consultations or through telemedicine shall be treated as
73 equivalent services from an insurance coverage and payment
74 perspective.

75 (3) This section does not prevent a health insurer or
76 health plan from imposing deductibles or copayment or
77 coinsurance requirements for a health care service provided
78 through telemedicine if the deductible, copayment, or
79 coinsurance does not exceed the deductible, copayment, or
80 coinsurance applicable to an in-person consultation for the same
81 health care service.

82 (4) This section does not preclude a licensed health care
83 practitioner, as defined in s. 456.001, Florida Statutes, who is
84 acting within the scope of his or her practice from employing

85 the technology of telemedicine, applying telemedicine within his
86 or her practice, or using telemedicine technology under the
87 direction and supervision of another health care practitioner
88 who is using telemedicine technology within the supervising
89 practitioner's scope of practice. When acting under the
90 direction and supervision of another health care practitioner,
91 the use of telemedicine technology may not be interpreted as
92 practicing medicine without a license. However, any health care
93 practitioner employing telemedicine technology must be trained,
94 educated, and knowledgeable regarding the procedure and
95 technology and may not perform duties for which the practitioner
96 does not have sufficient training, education, and knowledge.
97 Failure to have sufficient training, education, and knowledge is
98 grounds for disciplinary action by the board as defined in s.
99 456.001, Florida Statutes, or the Department of Health if there
100 is no board.

101 (5) The Department of Health, in consultation with those
102 boards within the department that exercise regulatory or
103 rulemaking functions relating to health care practitioners as
104 defined in s. 456.001, Florida Statutes, may adopt rules, as
105 necessary, to implement the requirements of this section
106 relating to the provision of telemedicine services by such
107 practitioners and shall repeal any rule that prohibits the use
108 of telemedicine in this state.

109 Section 2. The Department of Health shall lead and conduct
110 an interagency study, which also includes the Department of
111 Children and Families and the Agency for Health Care
112 Administration, on options for implementing telemedicine

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113 | services and coverage, including multipayer coverage and
114 | reimbursement, for stroke diagnosis, high-risk pregnancies,
115 | premature births, mental health services, and emergency
116 | services. The Department of Health shall submit a final report
117 | of its findings and recommendations to the President of the
118 | Senate and the Speaker of the House of Representatives by July
119 | 1, 2015.

120 | Section 3. This act shall take effect July 1, 2014.