

By Senator Joyner

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1                   A bill to be entitled  
2       An act relating to telemedicine; defining the term  
3       "telemedicine"; providing that a health insurance  
4       policy or Medicaid may not require face-to-face  
5       contact between a health care provider and patient as  
6       a prerequisite to coverage or reimbursement for  
7       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 and requiring the department  
12      to repeal any rules that prohibit the use of  
13      telemedicine; requiring the department to conduct a  
14      study, which includes the Department of Children and  
15      Families and the Agency for Health Care  
16      Administration, on options for implementing  
17      telemedicine for certain services; requiring the  
18      Department of Health to submit a report to the  
19      Legislature; providing an effective date.

20  
21       WHEREAS, telemedicine services are those services that use  
22      electronic technology to overcome geographic distance between  
23      patients and health care providers for the purposes of  
24      assessing, monitoring, intervening, clinical managing, or  
25      educating patients, and

26       WHEREAS, the Legislature recognizes that telemedicine  
27      services can result in cost-effectiveness, improvements in  
28      disease management, and improved patient outcomes and that  
29      studies have demonstrated significant reductions in

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30 hospitalizations and otherwise necessary medical care as a  
31 result of telemedicine intervention, and

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

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

44

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," as it relates to the delivery of health care  
50 services, means synchronous video conferencing, remote patient  
51 monitoring, asynchronous health images, or other health  
52 transmissions supported by mobile devices, such as mHealth, or  
53 other telecommunications technology used for the purpose of  
54 diagnosis, consultation, treatment, transfer of medical data, or  
55 exchange of medical education information by means of audio,  
56 video, or data communications. The term does not include an  
57 audio-only telephone call, e-mail message, or facsimile  
58 transmission.

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

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

83       (4) This section does not preclude a health care  
84 practitioner, as defined in s. 456.001, Florida Statutes, who  
85 acts within the scope of his or her practice from using the  
86 technology of telemedicine within his or her practice, or using  
87 telemedicine technology under the direction and supervision of

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88 another health care practitioner who is using telemedicine  
89 technology within the supervising practitioner's scope of  
90 practice. A health care practitioner acting under the direction  
91 and supervision of a physician through the use of telemedicine  
92 technology may not be interpreted as practicing medicine without  
93 a license. However, a health care practitioner using  
94 telemedicine technology must be trained in, educated on, and  
95 knowledgeable about the procedure and technology and may not  
96 perform duties for which the practitioner does not have  
97 sufficient training, education, or knowledge. Failure to have  
98 adequate training, education, and knowledge is grounds for  
99 disciplinary action by the board, or the department if there is  
100 no board.

101 (5) The Department of Health, in consultation with those  
102 boards within the department which 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 administer the requirements of this section  
106 relating to the provision of telemedicine services by such  
107 practitioners, and shall repeal any rules that prohibit 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  
113 services and coverage, including multi-payer 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

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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.