

By the Committee on Health Policy; and Senators Bean and Joyner

588-02606-16

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1 A bill to be entitled
2 An act relating to telehealth; creating s. 408.61,
3 F.S.; creating the Telehealth Task Force within the
4 Agency for Health Care Administration; requiring the
5 agency to use existing and available resources to
6 administer and support the task force; providing for
7 the membership of the task force; requiring the task
8 force to compile and analyze certain data and to
9 conduct a comparative analysis of health insurance
10 coverage available for telehealth services and for in-
11 person treatment; providing meeting requirements;
12 requiring the task force to submit a report to the
13 Governor and Legislature by a certain date; providing
14 for the repeal of the section; creating s. 456.51,
15 F.S.; authorizing certain licensed or certified health
16 care professionals to provide telehealth services;
17 defining the term "telehealth"; amending s. 636.202,
18 F.S.; excluding telehealth products from the
19 definition of "discount medical plan"; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 408.61, Florida Statutes, is created to
25 read:

26 408.61 Telehealth Task Force.—

27 (1) The Telehealth Task Force is created within the agency.
28 The agency shall use existing and available resources to
29 administer and support the activities of the task force under
30 this section.

31 (2) Members of the task force shall serve without
32 compensation and are not entitled to reimbursement for per diem

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33 or travel expenses. The task force shall consist of the
34 following 19 members:

35 (a) The Secretary of Health Care Administration or his or
36 her designee, who shall serve as the chair of the task force.

37 (b) The State Surgeon General or his or her designee.

38 (c) Three representatives of hospitals or facilities
39 licensed under chapter 395, three representatives of health
40 insurers that offer coverage of telehealth services, two
41 representatives of organizations that represent health care
42 facilities, and two representatives of entities that create or
43 sell telehealth products, all appointed by the Secretary of
44 Health Care Administration.

45 (d) Five health care practitioners, each of whom practices
46 in a different area of medicine, and two representatives of
47 organizations that represent health care practitioners, all
48 appointed by the State Surgeon General.

49 (3) The task force shall compile and analyze data and
50 information on the following:

51 (a) The frequency and extent of the use of telehealth
52 technology and equipment by health care practitioners and health
53 care facilities nationally and in this state.

54 (b) The costs and cost savings associated with using
55 telehealth technology and equipment.

56 (c) The types of telehealth services available.

57 (d) The extent of available health insurance coverage for
58 telehealth services. The task force shall conduct a comparative
59 analysis of such coverage to available coverage for in-person
60 services. The analysis must include:

61 1. Covered medical or other health care services.

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62 2. A description of payment rates for such telehealth
63 services and whether they are below, equal to, or above payment
64 rates for in-person services.

65 3. Annual and lifetime dollar maximums on coverage for
66 telehealth and in-person services.

67 4. Copayment, coinsurance, and deductible amounts; policy
68 year, calendar year, lifetime, or other durational benefit
69 limitations; and maximum benefits for telehealth and in-person
70 services.

71 5. Any unique conditions imposed as a prerequisite to
72 obtaining coverage for telehealth services.

73 (e) Barriers to implementing the use of, using, or
74 accessing telehealth services.

75 (f) Consideration of opportunities for interstate
76 cooperation in telehealth.

77 (4) The task force shall convene its first meeting by
78 September 1, 2016, and shall meet as often as necessary to
79 fulfill its responsibilities under this section. Meetings may be
80 conducted in person, by teleconference, or by other electronic
81 means.

82 (5) The task force shall submit a report by June 30, 2017,
83 to the Governor, the President of the Senate, and the Speaker of
84 the House of Representatives which includes its findings,
85 conclusions, and recommendations.

86 (6) This section is repealed effective December 1, 2017.

87 Section 2. Section 456.51, Florida Statutes, is created to
88 read:

89 456.51 Telehealth.—

90 (1) A health care practitioner, a person certified under

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91 part III of chapter 401, or a person certified under part IV of
92 chapter 468 who is practicing within the scope of his or her
93 license or certification may provide telehealth services. A
94 practitioner or person who is not a physician, but who provides
95 telehealth services within the scope of his or her license or
96 certification, may not be considered to be practicing medicine
97 without a license.

98 (2) As used in this section, the term "telehealth" means
99 the use of synchronous or asynchronous telecommunications
100 technology by a health care practitioner, a person certified
101 under part III of chapter 401, or a person certified under part
102 IV or V of chapter 468 to provide medical or other health care
103 services, including, but not limited to, patient assessment,
104 diagnosis, consultation, treatment, or remote monitoring; the
105 transfer of medical or health data; patient and professional
106 health-related education; the delivery of public health
107 services; and health care administration functions.

108 Section 3. Subsection (1) of section 636.202, Florida
109 Statutes, is amended to read:

110 636.202 Definitions.—As used in this part, the term:

111 (1) "Discount medical plan" means a business arrangement or
112 contract in which a person, in exchange for fees, dues, charges,
113 or other consideration, provides access for plan members to
114 providers of medical services and the right to receive medical
115 services from those providers at a discount. The term "discount
116 medical plan" does not include any product regulated under
117 chapter 627, chapter 641, or part I of this chapter, or any
118 telehealth product defined under s. 456.51, F.S.

119 Section 4. This act shall take effect July 1, 2016.