

By the Committees on Appropriations; and Health Policy; and
 Senators Bean and Joyner

576-04208-16

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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

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32 compensation and are not entitled to reimbursement for per diem
33 or travel expenses. The task force shall consist of the
34 following 21 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; two representatives of long-term care services, one
43 from a nursing home and one from a home health agency or
44 community-based health services setting; and two representatives
45 of entities that create or sell telehealth products, all
46 appointed by the Secretary of Health Care Administration.

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

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

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

56 (b) The costs and cost savings associated with using
57 telehealth technology and equipment.

58 (c) The types of telehealth services available.

59 (d) The extent of available health insurance coverage for
60 telehealth services. The task force shall conduct a comparative

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61 analysis of such coverage to available coverage for in-person
62 services. The analysis must include:

63 1. Covered medical or other health care services.

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

67 3. Annual and lifetime dollar maximums on coverage for
68 telehealth and in-person services.

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

73 5. Any unique conditions imposed as a prerequisite to
74 obtaining coverage for telehealth services.

75 (e) Barriers to implementing, using, or accessing
76 telehealth services.

77 (f) Consideration of opportunities for interstate
78 cooperation in telehealth.

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

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

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

89 Section 2. Section 456.51, Florida Statutes, is created to

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90 read:

91 456.51 Telehealth.-

92 (1) A health care practitioner, a behavior analyst
93 certified under s. 393.17, a person certified under part III of
94 chapter 401, or a person certified under part IV of chapter 468
95 who is practicing within the scope of his or her license or
96 certification may provide telehealth services. A practitioner or
97 person who is not a physician, but who provides telehealth
98 services within the scope of his or her license or
99 certification, may not be considered to be practicing medicine
100 without a license.

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

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

113 636.202 Definitions.—As used in this part, the term:

114 (1) "Discount medical plan" means a business arrangement or
115 contract in which a person, in exchange for fees, dues, charges,
116 or other consideration, provides access for plan members to
117 providers of medical services and the right to receive medical
118 services from those providers at a discount. The term "discount

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119 medical plan" does not include any product regulated under
120 chapter 627, chapter 641, or part I of this chapter, or any
121 telehealth product defined under s. 456.51, F.S.

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