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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: SENAT/CA
03/03/2016 05:37 PM	.	03/09/2016 03:09 PM
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Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

408.61 Telehealth Task Force.—

(1) The Telehealth Task Force is created within the agency.

The agency shall use existing and available resources to
administer and support the activities of the task force under
this section.



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12 (2) Members of the task force shall serve without
13 compensation and are not entitled to reimbursement for per diem
14 or travel expenses. The task force shall consist of the
15 following 21 members:

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

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

19 (c) Three representatives of hospitals or facilities
20 licensed under chapter 395; three representatives of health
21 insurers that offer coverage of telehealth services; two
22 representatives of organizations that represent health care
23 facilities; two representatives of long-term care services, one
24 from a nursing home and one from a home health agency or
25 community-based health services setting; and two representatives
26 of entities that create or sell telehealth products, all
27 appointed by the Secretary of Health Care Administration.

28 (d) Five health care practitioners, each of whom practices
29 in a different area of medicine, and two representatives of
30 organizations that represent health care practitioners, all
31 appointed by the State Surgeon General.

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

34 (a) The frequency and extent of the use of telehealth
35 technology and equipment by health care practitioners and health
36 care facilities nationally and in this state.

37 (b) The costs and cost savings associated with using
38 telehealth technology and equipment.

39 (c) The types of telehealth services available.

40 (d) The extent of available health insurance coverage for



41 telehealth services. The task force shall conduct a comparative
42 analysis of such coverage to available coverage for in-person
43 services. The analysis must include:
44 1. Covered medical or other health care services.
45 2. A description of payment rates for telehealth services
46 and whether they are below, equal to, or above payment rates for
47 in-person services.
48 3. Annual and lifetime dollar maximums on coverage for
49 telehealth and in-person services.
50 4. Copayment, coinsurance, and deductible amounts; policy
51 year, calendar year, lifetime, or other durational benefit
52 limitations; and maximum benefits for telehealth and in-person
53 services.
54 5. Any unique conditions imposed as a prerequisite to
55 obtaining coverage for telehealth services.
56 (e) Barriers to implementing, using, or accessing
57 telehealth services.
58 (f) Consideration of opportunities for interstate
59 cooperation in telehealth.
60 (4) The task force shall convene its first meeting by
61 September 1, 2016, and shall meet as often as necessary to
62 fulfill its responsibilities under this section. Meetings may be
63 conducted in person, by teleconference, or by other electronic
64 means.
65 (5) The task force shall submit a report by June 30, 2017,
66 to the Governor, the President of the Senate, and the Speaker of
67 the House of Representatives which includes its findings,
68 conclusions, and recommendations.
69 (6) This section is repealed effective December 1, 2017.



70 Section 2. Section 456.51, Florida Statutes, is created to
71 read:

72 456.51 Telehealth.—

73 (1) A health care practitioner, a behavior analyst
74 certified under s. 393.17, a person certified under part III of
75 chapter 401, or a person certified under part IV or V of chapter
76 468 who is practicing within the scope of his or her license or
77 certification may provide telehealth services. A practitioner or
78 person who is not a physician, but who provides telehealth
79 services within the scope of his or her license or
80 certification, may not be considered to be practicing medicine
81 without a license.

82 (2) As used in this section, the term "telehealth" means
83 the use of synchronous or asynchronous telecommunications
84 technology by a health care practitioner, a behavior analyst
85 certified under s. 393.17, a person certified under part III of
86 chapter 401, or a person certified under part IV or V of chapter
87 468 to provide medical or other health care services, including,
88 but not limited to, patient assessment, diagnosis, consultation,
89 treatment, or remote monitoring; the transfer of medical or
90 health data; patient and professional health-related education;
91 the delivery of public health services; and health care
92 administration functions.

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

95 636.202 Definitions.—As used in this part, the term:

96 (1) "Discount medical plan" means a business arrangement or
97 contract in which a person, in exchange for fees, dues, charges,
98 or other consideration, provides access for plan members to



99 providers of medical services and the right to receive medical
100 services from those providers at a discount. The term "discount
101 medical plan" does not include any product regulated under
102 chapter 627, chapter 641, or part I of this chapter, or any
103 telehealth product defined under s. 456.51, F.S.

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

105
106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete everything before the enacting clause
109 and insert:

110 A bill to be entitled
111 An act relating to telehealth; creating s. 408.61,
112 F.S.; creating the Telehealth Task Force within the
113 Agency for Health Care Administration; requiring the
114 agency to use existing and available resources to
115 administer and support the task force; providing for
116 the membership of the task force; requiring the task
117 force to compile and analyze certain data and to
118 conduct a comparative analysis of health insurance
119 coverage available for telehealth services and for in-
120 person treatment; providing meeting requirements;
121 requiring the task force to submit a report to the
122 Governor and Legislature by a certain date; providing
123 for the repeal of the section; creating s. 456.51,
124 F.S.; authorizing certain licensed or certified health
125 care professionals to provide telehealth services;
126 defining the term "telehealth"; amending s. 636.202,
127 F.S.; excluding telehealth products from the



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definition of "discount medical plan"; providing an
effective date.