SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires health benefit plan to reimburse cost of covered telemedicine health service provided by health professional licensed or certified in this state if same health service is provided in person.

A BILL FOR AN ACT

Relating to reimbursing the costs of telemedicine health services; creating new provisions; and amending ORS 743A.058 and 743A.185.

Whereas the costs of health services that are borne by governments, employers and individuals could be significantly reduced by structurally removing unnecessary costs in providing health care; and

Whereas residents of remote and medically underserved areas of this state lack access to affordable health care; and

Whereas Oregon could be seen as a global leader in health services delivered using telemedicine; and

Whereas the quality of health services is based on the expertise of the provider whether the services are delivered in person or electronically; and

Whereas quality telemedicine services may be provided at a lower cost than health services delivered in person due to a reduced need for capital and lower overhead and staffing costs; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 743A.058 is amended to read:

743A.058. (1) As used in this section:

(a) “Health benefit plan” has the meaning given that term in ORS 743B.005.

(b) “Health professional” means a person, regardless of physical location, that is:

(A) Licensed, certified or registered in this state to provide health care services or supplies; and

(B) Subject to the authority of one or more health licensing boards or licensing agencies in this state.

(c) “Health service” means diagnosis, treatment or supplies, or services ancillary to the diagnosis, treatment or supplies, provided by a physical or behavioral health professional to:

(A) A patient;

(B) A parent, guardian or authorized representative of a patient; or

(C) Another health professional on a patient’s behalf.

[(c)] (d) “Originating site” means the physical location of [the] a patient.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

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(e) “Telemedicine” means the provision of a health service by any electronic means, including but not limited to:

(A) Telephone or Voice over Internet Protocol;

(B) Video conferencing;

(C) Instant messaging or chat services over the Internet;

(D) Electronic mail;

(E) Text messaging; or

(F) Transmission of telemetry.

(2) Except as provided in ORS 743A.185, a health benefit plan must provide coverage of a telemedicine health service that is provided using synchronous two-way interactive video conferencing to an enrollee in the plan regardless of where the enrollee is located if:

(a) The plan provides coverage of the health service when provided in person by a health professional in the plan's network of providers;

(b) The health service is medically necessary;

(c) The health service is determined to be safely and effectively provided using synchronous two-way interactive video conferencing telemedicine according to generally accepted health care practices and standards; and

(d) The application and technology used to provide the health service meet all standards required by state and federal laws governing the privacy and security of protected health information.

(3) Health services covered in accordance with subsection (2) of this section may be reimbursed in an amount equal to:

(a) For a physical health service, 80 percent or more of the reimbursement paid by the health benefit plan for the health service if provided in person; and

(b) For a behavioral health service, 90 percent or more of the reimbursement paid by the health benefit plan for the health service if provided in person.

[(3)] (4) A health benefit plan may not:

(a) Distinguish between rural and urban originating sites in providing coverage under subsection (2) of this section.

(b) Require a health professional to have treated the patient previously as a condition of covering telemedicine health service.

(c) Deny or restrict coverage for new patients or for patients being seen for follow up.

[(4)] (5) The coverage under subsection (2) of this section is subject to:

[(a)] the terms and conditions of the health benefit plan; and

[(b)] The reimbursement specified in the contract between the plan and the health professional.

[(5)] (6) This section does not require a health benefit plan to reimburse a health professional:

[(a)] for a health service that is not a covered benefit under the plan; or

[(b)] Who has not contracted with the plan.

(7) This section is exempt from ORS 743A.001.

SECTION 2. ORS 743A.185 is amended to read:

743A.185. (1) As used in this section:

(a) “Health benefit plan” has the meaning given that term in ORS 743B.005.

(b) “Originating site” means a location where health services are provided or where the patient is receiving a [telemedical] telemedicine health service.

[(c)] “Telemedical” means delivered through a two-way electronic communication, including but not
limited to video, audio, Voice over Internet Protocol or transmission of telemetry, that allows a health professional to interact with a patient, a parent or guardian of a patient or another health professional on a patient's behalf, who is at an originating site.]

(c) “Telemedicine” has the meaning given that term in ORS 743A.058.

(2) A health benefit plan must provide coverage of a [telemedical] telemedicine health service provided in connection with the treatment of diabetes if:

(a) The plan provides coverage of the health service when provided in person by the health professional;

(b) The health service is medically necessary;

(c) The [telemedical] telemedicine health service relates to a specific patient; and

(d) One of the participants in the [telemedical] telemedicine health service is a representative of an academic health center.

(3) A health benefit plan may not distinguish between rural and urban originating sites in providing coverage under subsection (2) of this section.

(4) A health benefit plan may subject coverage of a [telemedical] telemedicine health service under subsection (2) of this section to all terms and conditions of the plan, including but not limited to deductible, copayment or coinsurance requirements that are applicable to coverage of a comparable health service when provided in person.

(5) This section does not require a health benefit plan to reimburse a provider for a health service that is not a covered benefit under the plan.

(6) This section is exempt from ORS 743A.001.

SECTION 3. The amendments to ORS 743A.058 and 743A.185 by sections 1 and 2 of this 2019 Act apply to health benefit plans issued, renewed or extended on or after the effective date of this 2019 Act.