Senate Bill 118
By: Senators Unterman of the 45th, Hufstetler of the 52nd, Burke of the 11th, Walker III of the 20th, Kirk of the 13th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to modernize the Georgia Telemedicine Act; to rename the Telemedicine Act the Telehealth Act; to revise the definition of telemedicine; to provide a definition of telehealth; to prohibit insurers from requiring insureds to use telemedicine; to provide for pay equity for health care providers using telemedicine; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by revising Code Section 33-24-56.4, relating to payment for telemedicine services, as follows:

"33-24-56.4.
(a) This Code section shall be known and may be cited as the 'Georgia Telemedicine Telehealth Act.'
(b) As used in this Code section, the term:
(1) 'Distant site' means a site at which a health care provider legally allowed to practice in this state is located while providing health care services by means of telemedicine or telehealth.
(2) 'Health benefit policy' means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, executed, or renewed in this state, including, but not limited to, those contracts executed by the State of Georgia on behalf of state employees, any health insurance plan established under Article 1 of Chapter 18 of Title 45, by an insurer, or under Article 7 of Chapter 4 of Title 49.
(3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, preferred provider organization, provider sponsored health..."
care corporation, managed care entity, or any similar entity authorized to issue contracts
under this title or to provide health benefit policies.

(4) ‘Originating site’ means a site in this state at which a patient is located at the time
health care services are provided to him or her by means of telemedicine or telehealth,
unless the term is otherwise defined with respect to the provision in which it is used;
provided, however, that notwithstanding any other provision of law, insurers and
providers may agree to alternative siting arrangements deemed appropriate by the parties.

(5) ‘Store and forward transfer’ means the transmission of a patient's medical information
either to or from an originating site or to or from the provider at the distant site, but does
not require the patient being present nor must it be in real time.

(6) ‘Telehealth’ means the use of information and communications technologies,
including, but not limited to, telephones, remote patient monitoring devices or other
electronic means which support clinical health care, provider consultation, patient and
professional health related education, public health, and health administration.

(7) ‘Telemedicine’ means the practice, by a duly licensed physician or other health
care provider acting within the scope of such provider's practice, of health care delivery,
diagnosis, consultation, treatment, or transfer of medical data by means of audio, video,
or data communications which are used during a medical visit with a patient or which are
used to transfer medical data obtained during a medical visit with a patient. Standard
telephone, facsimile transmissions, unsecured e-mail, or a combination thereof do not
constitute telemedicine services, a form of telehealth which is the delivery of clinical
health care services by means of real time two-way audio, visual, or other
telecommunications or electronic communications, including the application of secure
video conferencing or store and forward transfer technology to provide or support health
care delivery, which facilitate the assessment, diagnosis, consultation, treatment,
education, care management, and self-management of a patient's health care by a health
care provider practicing within his or her scope of practice as would be practiced
in-person with a patient, and legally allowed to practice in this state, while such patient
is at an originating site and the health care provider is at a distant site.

(c) It is the intent of the General Assembly to mitigate geographic discrimination in the
delivery of health care by recognizing the application of and payment for covered medical
care provided by means of telemedicine telehealth, provided that such services are provided
by a physician or by another health care practitioner or professional acting within the scope
of practice of such health care practitioner or professional and in accordance with the
provisions of Code Section 43-34-31.
(d) Each insurer proposing to issue a health benefit policy shall provide coverage for the
cost of health care services provided through telehealth or telemedicine as directed through
regulations promulgated by the department.
(e) An insurer shall not exclude a service for coverage solely because the service is
provided through telemedicine services and is not provided through in-person consultation
or contact between a health care provider and a patient for services appropriately provided
through telemedicine services.
(f) An insurer shall reimburse the treating provider or the consulting provider for the
diagnosis, consultation, or treatment of the insured delivered through telemedicine services
on the same basis and at least at the rate that the insurer is responsible for coverage for the
provision of the same service through in-person consultation or contact; provided, however,
that nothing in this subsection shall require a health care provider or telemedicine company
to accept more reimbursement than they are willing to charge. Payment for telemedicine
interactions shall include reasonable compensation to the originating or distant site for the
transmission cost incurred during the delivery of health care services.
(g) No insurer shall impose any annual or lifetime dollar maximum on coverage for
telemedicine services other than an annual or lifetime dollar maximum that applies in the
aggregate to all items and services covered under the policy, or impose upon any person
receiving benefits pursuant to this Code section any copayment, coinsurance, or deductible
amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation
or maximum for benefits or services, that is not equally imposed upon all terms and
services covered under the health benefit policy.
(h) No insurer shall require its insureds to use telemedicine services in lieu of in-person
consultation or contact.
(i) On and after July 1, 2005 January 1, 2020, every health benefit policy that is issued,
amended, or renewed shall include payment for services that are covered under such health
benefit policy and are appropriately provided through telemedicine telehealth in accordance
with Code Section 43-34-31, this Code section, and generally accepted health care
practices and standards prevailing in the applicable professional community at the time the
services were provided. The coverage required in this Code section may be subject to all
terms and conditions of the applicable health benefit plan.

SECTION 2.
This Act shall become effective on January 1, 2020.

SECTION 3.
All laws and parts of laws in conflict with this Act are repealed.