

The Senate Committee on Health and Human Services offered the following substitute to HB 307:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to insurance generally, so as to revise the "Georgia Telehealth Act"; to revise
3 definitions; to authorize health care providers to provide telemedicine services from home;
4 to authorize patients to receive telemedicine services from their home, workplace, or school;
5 to allow for audio-only care under certain circumstances; to prohibit requirement that patient
6 have in-person consultation before receiving telemedicine services; to prohibit more stringent
7 utilization review requirements; to prohibit separate deductibles for telemedicine services;
8 to prohibit requirement that health care providers use a specific telehealth platform or
9 vendor; to prohibit additional restrictions on prescribing medications through telemedicine;
10 to require documentation by health care providers for telemedicine services that equals or
11 exceeds in-person consultation; to provide for related matters; to provide for an effective
12 date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

SECTION 1.

15 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
16 insurance generally, is amended by revising Code Section 33-24-56.4, relating to the
17 "Georgia Telehealth Act," as follows:

18 "33-24-56.4.

19 (a) This Code section shall be known and may be cited as the 'Georgia Telehealth Act.'

20 (b) As used in this Code section, the term:

21 (1) 'Distant site' means a site at which a health care provider legally allowed to practice
22 in this state is located while providing health care services by means of telemedicine or
23 telehealth, which may include the home of the health care provider.

24 (2) 'Health benefit policy' means any individual or group plan, policy, or contract for
25 health care services issued, delivered, issued for delivery, executed, or renewed in this
26 state, including, but not limited to, any health insurance plan established under Article 1
27 of Chapter 18 of Title 45 or under Article 7 of Chapter 4 of Title 49.

28 (3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital
29 service corporation, medical service corporation, health care corporation, health
30 maintenance organization, provider sponsored health care corporation, managed care
31 entity, or any similar entity authorized to issue contracts under this title or to provide
32 health benefit policies.

33 (3.1) 'Interprofessional consultation' means an assessment and management service in
34 which a patient's health care provider seeks treatment advice from a consulting provider
35 with specific specialty expertise to assist the patient's health care provider in diagnosing
36 or treating the patient.

37 (4) 'Originating site' means a site ~~in this state~~ at which a patient is located at the time
38 health care services are provided to him or her by means of telemedicine or telehealth,
39 ~~unless the term is otherwise defined with respect to the provision in which it is used~~
40 which may include a patient's home, workplace, or school; provided, however, that

41 notwithstanding any other provision of law, insurers and providers may agree to
42 alternative siting arrangements deemed appropriate by the parties.

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

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

50 (7) 'Telemedicine' means a form of telehealth which is the delivery of clinical health care
51 services by means of ~~real-time~~ real-time two-way audio, visual, or other
52 telecommunications or electronic communications, including the application of secure
53 video conferencing or store and forward transfer technology to provide or support health
54 care delivery, which facilitate the assessment, diagnosis, consultation, treatment,
55 education, care management, and self-management of a patient's health care by a health
56 care provider practicing within his or her scope of practice as would be practiced
57 in-person with a patient as prescribed by applicable federal and state laws, rules, and
58 regulations, and legally allowed to practice in this state, while such patient is at an
59 originating site and the health care provider is at a distant site. Such term includes
60 audio-only telephone only when no other means of real-time two-way audio, visual, or
61 other telecommunications or electronic communications are available to the patient due
62 to lack of availability of such real-time two-way audio, visual, or other
63 telecommunications or electronic communications, due to lack of adequate broadband
64 access, or because the use of other means of real-time two-way audio, visual, or other
65 telecommunications or electronic communications is infeasible, impractical, or otherwise
66 not medically advisable, as determined by the health care provider providing telemedicine

67 services to the patient or as determined by another health care provider with an existing
68 relationship with the patient.

69 (c) It is the intent of the General Assembly to mitigate geographic discrimination in the
70 delivery of health care by recognizing the application of and payment for covered medical
71 care provided by means of telehealth, provided that such services are provided by a
72 physician or by another health care practitioner or professional acting within the scope of
73 practice of such health care practitioner or professional and in accordance with the
74 provisions of Code Section 43-34-31.

75 (d) Each insurer proposing to issue a health benefit policy shall provide coverage for the
76 cost of health care services provided through telehealth or telemedicine as directed through
77 regulations promulgated by the department.

78 (e) An insurer shall not exclude a service for coverage solely because the service is
79 provided through telemedicine services and is not provided through in-person consultation
80 or contact between a health care provider and a patient for services appropriately provided
81 through telemedicine services.

82 (f) No insurer shall require an in-person consultation or contact before a patient may
83 receive telemedicine services from a health care provider, except for the purposes of initial
84 installation, setup, or delivery of in-home telehealth devices or services, or as otherwise
85 required by state or federal law, rule, or regulation.

86 ~~(f)~~(g) An insurer shall reimburse the treating provider or the consulting provider for the
87 diagnosis, consultation, or treatment of the insured delivered through telemedicine services
88 on the same basis and at least at the rate that the insurer is responsible for coverage for the
89 provision of the same service through in-person consultation or contact; provided, however,
90 that nothing in this subsection shall require (1) a health care provider or telemedicine
91 company to accept more reimbursement than they are willing to charge or (2) an insurer
92 to pay for a telemedicine service provided through an audio-only call for any service other
93 than mental or behavioral health services. Payment for telemedicine interactions shall

94 include reasonable compensation to the originating or distant site for the transmission cost
95 incurred during the delivery of health care services; provided, however, that this shall not
96 require the insurer to include payment for transmission costs if the originating or distant
97 site is a home.

98 (h) If a treating provider obtains interprofessional consultation from a consulting provider
99 for a patient for whom the treating provider conducted an examination through
100 telemedicine services, an insurer shall not require the consulting provider to conduct, either
101 in-person or through telemedicine services, an examination of such patient in order to
102 receive reimbursement, unless such examination by the consulting provider would be
103 required for the provision of the same services when the initial examination of the patient
104 by the treating provider was conducted through in-person consultation or contact.

105 ~~(g)~~(i) No insurer shall impose any deductible or annual or lifetime dollar maximum on
106 coverage for telemedicine services other than ~~an~~ a deductible or annual or lifetime dollar
107 maximum that applies in the aggregate to all items and services covered under the policy,
108 or impose upon any person receiving benefits pursuant to this Code section any copayment,
109 coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other
110 durational benefit limitation or maximum for benefits or services, that is not equally
111 imposed upon all terms and services covered under the health benefit policy.

112 ~~(h)~~(j) No insurer shall require its insureds to use telemedicine services in lieu of in-person
113 consultation or contact.

114 ~~(i)~~(k) On and after January 1, 2020, every health benefit policy that is issued, amended,
115 or renewed shall include payment for services that are covered under such health benefit
116 policy and are appropriately provided through telehealth in accordance with Code Section
117 43-34-31, this Code section, and generally accepted health care practices and standards
118 prevailing in the applicable professional community at the time the services were provided.

119 (l) No insurer shall impose any type of utilization review on telemedicine services unless
120 such type of utilization review is imposed when the same services are provided through
121 in-person consultation or contact.

122 (m) No insurer shall restrict coverage of telehealth or telemedicine services to services
123 provided by a particular vendor, or other third party, or services provided through a
124 particular electronic communications technology platform; provided, however, that nothing
125 in this Code section shall require an insurer to cover any telehealth or telemedicine services
126 provided through an electronic communications technology platform that does not comply
127 with applicable state and federal privacy laws.

128 (n) No insurer shall place any restrictions on prescribing medications through telemedicine
129 that are more restrictive than what is required under applicable state and federal laws for
130 prescribing medications through in-person consultation or contact.

131 (o) A health care provider shall maintain documentation of each health care service
132 provided through telemedicine in a manner that is at least as extensive and thorough as
133 when the health care service is provided through in-person consultation or contact and,
134 upon request, make such documentation available in accordance with applicable state and
135 federal law.

136 (p) Nothing in this Code section shall be construed to limit, alter, or expand the scope of
137 practice, standard of care, prescriptive authority, or supervision requirements for health
138 care providers or privacy rights, other than as provided in applicable federal law and state
139 laws, rules, and regulations."

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SECTION 2.

141 This Act shall become effective upon its approval by the Governor or upon its becoming law
142 without such approval.

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SECTION 3.

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