



Ohio Legislative Service Commission

Bill Analysis

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H.B. 609

129th General Assembly
(As Introduced)

Reps. Wachtmann and Gonzales

BILL SUMMARY

- Requires the Medicaid program, and authorizes health care insurers, to provide coverage of telehealth services provided by health care professionals and facilities.
- Provides that the coverage of a telehealth service must be equivalent to the coverage that applies to a service delivered in person to a patient.
- Specifies that the coverage of a telehealth service applies only if the service is medically appropriate and necessary and the health care provider is licensed or otherwise authorized in Ohio to provide the service.
- Requires a health care provider seeking reimbursement for a telehealth service to maintain documentation of providing the service as part of the patient records the provider maintains.

CONTENT AND OPERATION

Medicaid and health care insurer coverage of telehealth services

The bill requires the Medicaid program to provide coverage of telehealth services.¹ It authorizes coverage of telehealth services to be provided by health insuring corporations, sickness and accident insurers, public employee benefit plans, and multiple employer welfare arrangements.²

¹ R.C. 5111.0216(B).

² R.C. 1739.051(B), 1751.69(B), and 3923.235(B).

"Telehealth" is defined by the bill as the use of interactive audio, video, and other telecommunications technology by a health care provider to deliver health care services for diagnosis and treatment of a patient. The provider may be either a health care professional or a health care facility. The bill describes telehealth services as occurring between a distant site and an originating site. A "distant site" is defined as the location of a health care provider when providing telehealth services to a patient. An "originating site" is defined as the location of a patient when receiving the services.

Telehealth services covered under the bill include both (1) synchronous interactions and (2) asynchronous store and forward actions. A "synchronous interaction" is defined as a real-time interaction between a patient receiving telehealth services at an originating site and a health care provider delivering telehealth services from a distant site.

An "asynchronous store and forward action" is defined as the transmission of a patient's medical information from an originating site to a health care provider at a distant site for the provider's review without a synchronous interaction. Since the patient is not present during an asynchronous action, the "originating site" in this case is defined as the location where the asynchronous action originates.

Specifications regarding coverage and reimbursement

The bill specifies that the following apply with respect to the required Medicaid coverage of telehealth services and to any coverage that may be provided by health care insurers:³

(1) The coverage applies only to telehealth services that are medically appropriate and medically necessary.

(2) The coverage of a telehealth service is to be the same in amount, duration, and scope as the coverage that applies to a service delivered in person to a patient.

(3) When the provision of a telehealth service includes actions performed by both a health care provider and a health care facility, the coverage of the service is limited to a single reimbursement amount for that provider and facility.

(4) The coverage does not apply to a telehealth service unless, when the service is provided, the health care provider is licensed, certified, registered, or otherwise authorized in Ohio to provide the service.

³ R.C. 1739.051(C), 1751.69(C), 3923.235(C), and 5111.0216(C).

(5) Under Medicaid, the coverage applies only if the health care provider has a valid Medicaid provider agreement.

Documentation in patient records

Under the bill, if a health care provider intends to seek reimbursement for providing a telehealth service, the provider is required to retain relevant documentation of providing the service and any subsequent telehealth service as part of the patient records maintained by the provider.⁴

Physicians practicing telemedicine from other states

The bill specifies that it does not alter any coverage that may be available for telemedicine services provided to a patient in Ohio by a physician who is located outside Ohio and is practicing under a telemedicine certificate issued by the State Medical Board.⁵ Under current law, the Board issues telemedicine certificates to physicians from other jurisdictions seeking to treat patients in Ohio through telemedicine, which includes the practice of medicine through the use of any communication, including oral, written, or electronic communication, by a physician located outside Ohio.⁶

HISTORY

ACTION	DATE
Introduced	11-21-12

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⁴ R.C. 1739.051(D), 1751.69(D), 3923.235(D), and 5111.0216(D).

⁵ R.C. 1739.051(E), 1751.69(E), 3923.235(E), and 5111.0216(E).

⁶ R.C. 4731.296 (not in the bill).