

FIRST REGULAR SESSION

HOUSE BILL NO. 965

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALLEN.

1360H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 208, RSMo, by adding thereto four new sections relating to the provision of telehealth services under MO HealthNet.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto four new sections, to be
2 known as sections 208.680, 208.682, 208.684, and 208.686, to read as follows:

**208.680. For purposes of sections 208.680 to 208.686, the following terms shall
2 mean:**

3 **(1) “Home telemonitoring service”, a health care service that requires scheduled
4 remote monitoring of data related to a patient’s health and transmission of the data to a
5 licensed home health agency or a hospital;**

6 **(2) “Telehealth service”, a health service, other than a telemedicine medical service,
7 that is delivered by a licensed or certified health care professional acting within the scope
8 of the health care professional’s license or certification who does not perform a
9 telemedicine medical service and that requires the use of advanced telecommunications
10 technology, other than telephone or facsimile technology, including:**

11 **(a) Compressed digital interactive video, audio, or data transmission;**

12 **(b) Clinical data transmission using computer imaging by way of still-image
13 capture and store and forward; and**

14 **(c) Other technology that facilitates access to health care services or medical
15 specialty expertise;**

16 **(3) “Telemedicine medical service”, a health care service that is initiated by a
17 physician or provided by a health care professional acting under physician delegation and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 supervision that is provided for purposes of patient assessment by a health care
19 professional, diagnosis or consultation by a physician, or treatment, or for the transfer of
20 medical data, and that requires the use of advanced telecommunications technology, other
21 than telephone or facsimile technology, including:

- 22 (a) Compressed digital interactive video, audio, or data transmission;
- 23 (b) Clinical data transmission using computer imaging by way of still-image
24 capture and store and forward; and
- 25 (c) Other technology that facilitates access to health care services or medical
26 specialty expertise.

208.682. 1. The department shall by rule develop and implement a system to
2 reimburse providers of services under the MO HealthNet program for services performed
3 using telemedicine medical services or telehealth services.

4 2. In developing the system, the department shall by rule:

5 (1) Provide for an approval process before a provider may receive reimbursement
6 for services;

7 (2) Consult with the department of health and senior services to establish
8 procedures to:

9 (a) Identify clinical evidence supporting delivery of health care services using a
10 telecommunications system;

11 (b) Annually review health care services considering new clinical findings to
12 determine whether reimbursement for particular services should be denied or authorized;

13 (c) Establish a separate provider identifier for telemedicine medical services
14 providers, telehealth services providers, and home telemonitoring services providers; and

15 (d) Establish a separate modifier for telemedicine medical services, telehealth
16 services, and home telemonitoring services eligible for reimbursement.

17 3. The department shall encourage health care providers and health care facilities
18 to participate as telemedicine medical service providers or telehealth service providers in
19 the health care delivery system. The department shall not require that a service be
20 provided to a patient through telemedicine medical services or telehealth services if the
21 service can reasonably be provided by a physician through a face-to-face consultation with
22 the patient in the community in which the patient resides or works. This subsection does
23 not prohibit the authorization of the provision of any service to a patient through
24 telemedicine medical services or telehealth services at the patient's request.

25 4. The department may adopt rules as necessary to implement the provisions of
26 sections 208.680 to 208.686. In such rules, the department shall:

27 (1) Refer to the site where the patient is physically located as the patient site; and

28 **(2) Refer to the site where the physician or health care professional providing the**
29 **telemedicine medical service or telehealth service is physically located as the distant site.**

30 **5. The department shall not reimburse a health care facility for telemedicine**
31 **medical services or telehealth services provided to a MO HealthNet recipient unless the**
32 **facility complies with the minimum standards adopted under section 208.684.**

33 **6. Not later than December first of each even-numbered year, the department shall**
34 **report to the speaker of the house of representatives and the president pro tempore of the**
35 **senate on the effects of telemedicine medical services, telehealth services, and home**
36 **telemetry services on the MO HealthNet program in the state including the number**
37 **of physicians, health care professionals, and licensed health care facilities using**
38 **telemedicine medical services, telehealth services, or home telemetry services; the**
39 **geographic and demographic disposition of the physicians and health care professionals;**
40 **the number of patients receiving telemedicine medical services, telehealth services, and**
41 **home telemetry services; the types of services being provided; and the cost of**
42 **utilization of telemedicine medical services, telehealth services, and home telemetry**
43 **services to the program.**

208.684. The department shall establish and adopt minimum standards for an
2 **operating system used in the provision of telemedicine medical services, telehealth services,**
3 **or home telemetry services by a health care facility participating in the MO HealthNet**
4 **program including standards for electronic transmission, software, and hardware.**

208.686. 1. If the department determines that establishing a statewide program
2 **that permits reimbursement under the MO HealthNet program for home telemetry**
3 **services would be cost effective and feasible, the department shall by rule establish the**
4 **program as provided under this section.**

5 **2. The program shall:**

6 **(1) Provide that home telemetry services are available only to persons who:**

7 **(a) Are diagnosed with one or more of the following conditions:**

8 **a. Pregnancy;**

9 **b. Diabetes;**

10 **c. Heart disease;**

11 **d. Cancer;**

12 **e. Chronic obstructive pulmonary disease;**

13 **f. Hypertension;**

14 **g. Congestive heart failure;**

15 **h. Mental illness or serious emotional disturbance;**

16 **i. Asthma;**

17 **j. Myocardial infarction; or**

18 **k. Stroke; and**

19 **(b) Exhibit two or more of the following risk factors:**

20 **a. Two or more hospitalizations in the prior twelve-month period;**

21 **b. Frequent or recurrent emergency department admissions;**

22 **c. A documented history of poor adherence to ordered medication regimens;**

23 **d. A documented history of falls in the prior six-month period;**

24 **e. Limited or absent informal support systems;**

25 **f. Living alone or being home alone for extended periods of time; or**

26 **g. A documented history of care access challenges;**

27 **(2) Ensure that clinical information gathered by a home health agency or hospital**
28 **while providing home telemonitoring services is shared with the patient's physician; and**

29 **(3) Ensure that the program does not duplicate any disease management program**
30 **services provided by MO HealthNet.**

31 **3. If, after implementation, the department determines that the program**
32 **established under this section is not cost effective, the department may discontinue the**
33 **program and stop providing reimbursement under the MO HealthNet program for home**
34 **telemonitoring services.**

35 **4. The department shall determine whether the provision of home telemonitoring**
36 **services to persons who are eligible to receive benefits under both the MO HealthNet and**
37 **Medicare programs achieves cost savings for the Medicare program.**

38 **5. The provisions of this section shall expire September 1, 2019, unless reauthorized**
39 **by an act of the general assembly.**

40 **6. Not later than December 31, 2016, the department shall submit a report to the**
41 **governor, president pro tempore of the senate, and the speaker of the house of**
42 **representatives regarding the establishment and implementation of the program under this**
43 **section. The report shall include:**

44 **(1) The methods used by the department to determine whether the program was**
45 **cost effective and feasible; and**

46 **(2) If the program has been established, information regarding:**

47 **(a) The utilization of home telemonitoring services by MO HealthNet recipients**
48 **under the program;**

49 **(b) The health outcomes of MO HealthNet recipients who receive home**
50 **telemonitoring services under the program;**

51 **(c) The hospital admission rate of MO HealthNet recipients who receive home**
52 **telemonitoring services under the program;**

53 **(d) The cost of the home telemonitoring services provided under the program; and**

54 **(e) The estimated cost savings to the state as a result of the program.**

55 **7. If, before implementing any provision of this section, it is determined that a**
56 **waiver or authorization from a federal agency is necessary for implementation of that**
57 **provision, the department shall request the waiver or authorization and may delay**
58 **implementing that provision until the waiver or authorization is granted.**

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