

Northwest Legislative/Regulatory

April 2016 Update by CCHP

Please Note: CCHP has a pending legislation/regulation webpage updated regularly located at the following link:
<http://cchpca.org/state-laws-and-reimbursement-policies>

Highlights since last update:

- Resolution (SCR 26) adopted in Alaska to require insurance coverage for mental health benefits provided through telemedicine.
- Interstate Medical Licensure Compact bills continue movement in Alaska (HB 238) and Colorado (HB 1047). Washington also reintroduced the compact language (SB 6228).
- Private payer reimbursement bill (HB 1403) reintroduced in Washington
- Washington enacted SB 6519 to add the home as an eligible originating site for private payer plans.
- Newly adopted rule (effective June 1) allows for school-based health services to be delivered via telemedicine in WA's Medicaid program.

LEGISLATION

Approved Legislation

State-Bill #-Last Status-Summary

Alaska-SCR 26-4/17/17: Adopted - An act related to insurance coverage for mental health benefits provided through telemedicine.



Center for Connected Health Policy

New Mexico-SB 78-3/9/16: Enacted - This bill would allow the Board of Osteopathic Medicine to issue a telemedicine license to allow for the practice of osteopathic medicine across state lines.

Utah-HB 277-3/28/16: Enacted - This bill creates the Digital Teaching and Learning Grant Program and makes allocations for the Utah Education and Telehealth Network program.

Utah-HB 36-4/1/16: Chaptered - This bill would create a Health Reform Taskforce which would (among other items) make recommendations on telehealth services.

Washington-SB 6519-3/29/16: Enacted - This bill would expand patient access to health services

through telemedicine by adding the home as an eligible originating site for private payer plans and establish a collaborative for the advancement of telemedicine.

Wyoming-SF 42-3/11/16: Chaptered - This bill would amend the Occupational Therapy Practice Act by adding to it to the services that may be provided through the appropriate use of telecommunications services and other communication technologies and adds a definition for the term "Occupational Therapy Telehealth."

Pending Legislation

State-Bill #-Last Status-Summary

Alaska-HB 227-3/9/16: To House Committee on Finance - This bill would implement medical assistant reform measures. This would include directing the department to enhance telemedicine capability and reimbursement to incentivize its use for Medicaid recipients.

Alaska-HB 234-4/19/16: Awaiting transmittal to Governor - An act related to insurance coverage for mental health benefits provided through telemedicine.

Alaska-HB 237-3/23/16: Referred to House Committee on Finance - This bill would implement the interstate medical licensure compact.

Alaska-HB 238-4/17/16: House concurred in Senate amendments - This bill would implement the interstate medical licensure compact.

Alaska-HCR 30-4/17/16: Passed Senate - This bill would create a telemedicine business registry.

Alaska-SB 74-4/17/16: Awaiting transmittal to Governor - SB 74 would eliminate the current requirement in Alaska law that only an in-state provider may write a prescription for an Alaskan patient if the service took place via telehealth. This bill

would also establish a telemedicine business registry.

Colorado-HB 1047-04/21/2016: Senate Committee on Health & Human Services Refer Amended to Finance - This bill would implement the Federation of State Medical Board's Interstate Medical Licensure Compact.

Idaho-HB 583-3/10/16: Referred to Health and Welfare Committee - This bill adds to existing law to provide for reimbursement of telehealth services.

Utah-HB 333-3/10/16: In House file for bills not passed - This bill would, among other items, create the Rural Health Care Access Restricted Account from which a pilot project would be funded at schools in rural areas where health care access is limited. At least three school nurses or athletic trainers will be involved and will provide physical and mental health services to students at the public school and the community. Services may be provided via telehealth through the Utah Education and Telehealth Network.

Utah-HB 340-3/10/16: In House file for bills not passed - This bill would amend the Medical Assistance Act and Public Employees' Benefit and Insurance Program Act to provide coverage for certain telehealth services. Among other items, it would define terms, require a legislative study, describe responsibilities of providers offering telehealth services, and restrict the use of telehealth in prescribing abortion inducing medication.

Washington-HB 1403-3/10/16: 1st Special Session – Reintroduced and retained in present status. - Requires health plans to reimburse a provider for health service provided to a covered person through telemedicine or store forward technology under specified conditions.

Washington -HB 2452-3/10/16: By resolution, returned to House Rules Committee for third reading. - This bill would create the interstate licensure compact.

Washington-HB 2927-3/10/16: By resolution, reintroduced and retained in present status. - This bill would add to the currently existing definition of telemedicine in the section of law for health plans under the State Health Care Authority concerning mental and behavioral health to include consultations between providers if the consult meets certain parameters.

Washington-SB 5986-3/10/16: Reintroduced and retained in present status. - This bill would create a Board of Telemedicine.

Washington-SB 6228-3/10/16: By resolution, reintroduced and retained in present status. - This bill would create the interstate licensure compact.

REGULATION

Adopted Regulation

State-Lexis Ref. #-Status-Summary

Colorado-10 CCR 2505-10, MSB 15-10-27-E -3/11/16: Rule Adoption
Effective Date: 4/30/16
(Emergency rule currently in effect) - The proposed rule revises the supervision requirements for vaccination administration services rendered by a Registered Nurse (RN) at a Local Public Health Agency (LPHA). The proposed revision removes the requirement that the supervising provider be physically onsite for the duration of vaccination administration services rendered by RNs, and replaces it with a requirement that the supervising provider be immediately available via telephonic or other electronic means, including telemedicine, to give assistance throughout the performance of the service. This rule revision is intended to increase access to vaccinations for Colorado Medicaid clients served by LPHAs.

Colorado-6 CCR 1011-1, Ch. 5-3/16/16: Rule

Adoption

Effective: 6/1/16 - Title: Long Term Care Facilities
Agency: Health Facilities and Emergency Medical Services Division

This rule would provide a new definition of telehealth. It would also allow practitioners to utilize telehealth for the performance of any task, except those that require a face to face evaluation.

Idaho-IDAPA 16.03.09-2/1/16: Effective Date -

Agency: Department of Health and Welfare

Among other things, the rule would note that telehealth modalities are covered to the extent they are allowed under the rules of the applicable board of licensing.

Idaho-IDAPA 16.03.09-11/25/15: Adopted Rule -

Agency: Department of Health and Welfare

This rule adopts clarifying changes in current Medicaid practice regarding school-based services and therapy services. Among these rules include allowing Community Based Rehabilitation Services Specialist to be supervised via telehealth when it is equally effective as direct on-site supervision.

Oregon-OAR 847-008-0020, -0022, -0023, -0025, -0030, -0035, -0037, -0050, -0055, -0056,

-050-0043, -070-0045-1/8/16: Adopted rule - The proposed rule amendments streamline the reactivation process so that OMB staff will collect much of the documentation previously required of the applicant. In addition, the amendments clarify which license statuses are required to reactivate and provides one comprehensive rule on the reactivation process. Finally, the rule amendments remove references to paper forms and affidavits in anticipation of moving the reactivation application to an online process. The amendments also contain minor grammar and housekeeping changes. Telemonitoring section is also impacted.

Washington-WAC 182-537-3/10/16:

Effective-Agency: Health Care Authority/Washington Apple Health

The proposed rule would amend sections related to school-based health services that would, among other items, allow the services to be provided via telemedicine.

Washington-182-537-3/23/16: Rule Adopted
Effective: 4/23/16 - Title: Individuals with Disabilities Education Act

Agency: Washington Apple Health

This rule would clarify that all services provided under WAC 182-531-1730 can be provided through telemedicine.

Pending Regulation

State-Lexis Ref. #-Status-Summary

Idaho-IDAPA 22.01.15-8/28/15: Proposed Rule
11/24/15: Pending Legislative Review - Title:
Telehealth Services

Agency: Board of Medicine

The rules clarify the obligations of the licensed health care provider in providing telehealth services to Idaho citizens.

Colorado-3 CCR 709-1
-3/15/16: Proposed Rule

Comment Deadline: 4/6/16 - Title: Dentists and Dental Hygienists

Agency: Board of Dental Examiners

This rule provides that a dentist shall not supervise more than 5 dental hygienists who place interim therapeutic restorations under telehealth supervision.

A dentist who supervises a dental hygienist that provides interim therapeutic restorations under telehealth supervision must have a physical practice location in Colorado for purposes of patient referral for follow-up care.