



Sen. Andy Manar

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1 AMENDMENT TO SENATE BILL 458

2 AMENDMENT NO. _____. Amend Senate Bill 458 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 changing Section 356z.22 as follows:

6 (215 ILCS 5/356z.22)

7 Sec. 356z.22. Coverage for telehealth services.

8 (a) For purposes of this Section:

9 "Distant site" means the location at which the health care
10 provider rendering the telehealth service is located.

11 "Health care provider" means a health care provider
12 licensed in Illinois.

13 "Interactive telecommunications system" means multimedia
14 communications equipment that includes, at a minimum, audio and
15 video equipment permitting 2-way, real-time interactive
16 communication between the patient and the distant site

1 provider. "Interactive telecommunication system" does not
2 include a telephone, facsimile machine, or electronic mail
3 system. ~~an audio and video system permitting 2-way, live~~
4 ~~interactive communication between the patient and the distant~~
5 ~~site health care provider.~~

6 "Originating site" means the location at which the patient
7 receiving the service is located.

8 "Telehealth" means the use of telecommunications services
9 to encompass 4 modalities: store and forward technologies,
10 remote monitoring, live consultation, and mobile health; and
11 which shall include, but not be limited to, real-time video
12 conferencing-based communication, secure interactive and
13 non-interactive web-based communication, and secure
14 asynchronous information exchange, to transmit patient medical
15 information, including diagnostic-quality digital images and
16 laboratory results for medical interpretation and diagnosis,
17 for the purpose of delivering enhanced health care services and
18 information while a patient is at an originating site and the
19 health care provider is at a distant site. "Telehealth"
20 includes telepsychiatry and telemedicine. "Telehealth" does
21 not include a standard telephone contact, facsimile
22 transmission, or e-mail text, in combination or by itself.

23 ~~"Telehealth services" means the delivery of covered health~~
24 ~~care services by way of an interactive telecommunications~~
25 ~~system.~~

26 "Telepsychiatry" means the use of a telecommunication

1 system to provide psychiatric services for the purpose of
2 evaluation and treatment when the patient is at one medical
3 provider location and the rendering provider is at another
4 location.

5 (b) This Section applies to an individual or group policy
6 of insurance issued, amended, renewed, delivered, continued,
7 or executed on or after the effective date of this amendatory
8 Act of the 100th General Assembly that pays health benefits,
9 including, but not limited to, such health benefit policies or
10 plans as:

11 (1) the fee-for-service and managed care medical
12 assistance programs under Article V of the Illinois Public
13 Aid Code;

14 (2) professional liability coverage plans and
15 policies;

16 (3) accident, health, or sickness coverage plans and
17 policies;

18 (4) mutual benefit society plans and policies;

19 (5) automobile medical benefits plans and policies;

20 (6) plans and policies subject to the federal Employee
21 Retirement Income Security Act of 1974;

22 (7) third-party administrator plans and policies;

23 (8) travel insurance medical benefits plans and
24 policies;

25 (9) supplemental insurance plans and policies;

26 (10) life care contracts, plans, and policies;

1 (11) accident-only plans and policies;

2 (12) specified disease plans and policies;

3 (13) hospital plans and policies providing fixed daily
4 benefits only;

5 (14) Medicare supplemental plans and policies;

6 (15) long-term care plans and policies;

7 (16) short-term major medical plans and policies of 6
8 months' duration or less;

9 (17) hospital indemnity plans or policies; and

10 (18) any other supplemental health plan or policy.

11 (c) Any payment or reimbursement made to a health benefit
12 policy or plan for a service delivered through telehealth or
13 telepsychiatry, as provided under this Section, shall be made
14 on the same basis and at the same rate as established for
15 similar services that are not delivered through telehealth.

16 (d) All telehealth services provided under this Section
17 shall meet the following requirements:

18 (1) Medical data may be exchanged through a
19 telecommunication system.

20 (2) The interactive telecommunication system must, at
21 a minimum, have the capability of allowing the consulting
22 distant site provider to examine the patient sufficiently
23 to allow proper diagnosis of the involved body system when
24 necessary and appropriate. The system must also be capable
25 of transmitting clearly audible heart tones and lung
26 sounds, as well as clear video images of the patient and

1 any diagnostic tools, such as radiographs, when necessary
2 and appropriate.

3 (3) An in-person visit between a patient and a health
4 care provider prior to the delivery of telehealth services
5 shall not be required.

6 (4) No patient shall be required to give his or her
7 consent or informed consent before the delivery of services
8 through telehealth.

9 (5) A telepresenter shall not be required to be present
10 with the patient unless medically necessary.

11 (e) Benefits for a service provided through telehealth
12 required by this Section may be made subject to a deductible,
13 copayment, or coinsurance as long as the deductible, copayment,
14 or coinsurance required does not exceed the deductible,
15 copayment, or coinsurance requirement of the policy or health
16 benefit plan for the same service provided through in-person
17 care.

18 (f) Record for telehealth services shall meet the following
19 requirements:

20 (1) Medical records documenting the telehealth
21 services provided must be maintained by the originating
22 site. No originating and distant site shall be required to
23 maintain or present as a condition of payment any
24 additional medical records to document the telehealth
25 services provided other than what is required under
26 applicable State or federal law.

1 (2) Appropriate steps must be taken by the originating
2 and distant site staff to ensure patient confidentiality,
3 based on technical advances in compliance with all federal
4 and State privacy and confidentiality laws.

5 (3) The billing records related to the use of the
6 telecommunication system shall be maintained.

7 (g) Nothing in this Section precludes a health benefit
8 policy or plan from undertaking utilization review to determine
9 the appropriateness of telehealth as a means of delivering a
10 health care service, provided that the determination is made in
11 the same manner as those regarding the same service when it is
12 delivered in person.

13 (h) Notwithstanding any other provision of law, this
14 Section does not authorize a health benefit policy or plan to
15 require the use of telehealth when the health care provider has
16 determined that telehealth is not appropriate. In addition, no
17 health care provider shall be required to use telehealth when
18 the health care provider has deemed the use of telehealth to be
19 inappropriate for a patient, nor shall a patient be required to
20 use telehealth when the patient chooses in-person care.

21 ~~(b) If an individual or group policy of accident or health~~
22 ~~insurance provides coverage for telehealth services, then it~~
23 ~~must comply with the following:~~

24 ~~(1) An individual or group policy of accident or health~~
25 ~~insurance providing telehealth services may not:~~

26 ~~(A) require that in person contact occur between a~~

1 ~~health care provider and a patient;~~

2 ~~(B) require the health care provider to document a~~
3 ~~barrier to an in-person consultation for coverage of~~
4 ~~services to be provided through telehealth;~~

5 ~~(C) require the use of telehealth when the health~~
6 ~~care provider has determined that it is not~~
7 ~~appropriate; or~~

8 ~~(D) require the use of telehealth when a patient~~
9 ~~chooses an in-person consultation.~~

10 ~~(2) Deductibles, copayments, or coinsurance applicable~~
11 ~~to services provided through telehealth shall not exceed~~
12 ~~the deductibles, copayments, or coinsurance required by~~
13 ~~the individual or group policy of accident or health~~
14 ~~insurance for the same services provided through in person~~
15 ~~consultation.~~

16 (i) ~~(e)~~ Nothing in this Section shall be deemed as
17 precluding a health insurer from providing benefits for other
18 services, including, but not limited to, remote monitoring
19 services, other monitoring services, or oral communications
20 otherwise covered under the policy.

21 (Source: P.A. 98-1091, eff. 1-1-15.)

22 Section 10. The Illinois Public Aid Code is amended by
23 adding Section 5-5.25a as follows:

24 (305 ILCS 5/5-5.25a new)

1 Sec. 5-5.25a. Telehealth services.

2 (a) Definitions. As used in this Section:

3 "Asynchronous store and forward technology" means the
4 transmission of a patient's medical information from an
5 originating site to the provider at the distant site. The
6 provider at the distant site can review the medical case
7 without the patient being present. An asynchronous
8 telecommunication system in single media format does not
9 include telephone calls, images transmitted through facsimile
10 machines, and text messages without visualization of the
11 patient (electronic mail). Photographs visualized by a
12 telecommunication system must be specific to the patient's
13 medical condition and adequate for furnishing or confirming a
14 diagnosis or treatment plan. Dermatological photographs (for
15 example, a photograph of a skin lesion) may be considered to
16 meet the requirement of a single media format under this
17 Section.

18 "Distant site" means the location at which the provider
19 rendering the telehealth service is located.

20 "Encounter clinic" means a federally qualified health
21 center, rural health clinic, or encounter rate clinic, as
22 defined in 89 Ill. Adm. Code 140.461.

23 "Facility fee" means the reimbursement made to any Illinois
24 Medicaid participating health care organization or Illinois
25 Medicaid participating provider as originating sites.

26 "Illinois Medicaid participating provider" means any

1 health care provider, including a licensed clinical social
2 worker, a licensed clinical psychologist, a licensed advanced
3 practice registered nurse with psychiatric specialty, a
4 licensed nutritionist, or any other certified nutrition
5 professional, who is eligible to participate in the State's
6 fee-for-service or managed care medical assistance program and
7 who is employed by an Illinois Medicaid participating health
8 care organization.

9 "Illinois Medicaid participating health care organization"
10 means any health care organization that is eligible to
11 participate in the State's fee-for-service or managed care
12 medical assistance program and that has a corporate office
13 located in the State of Illinois.

14 "Interactive telecommunication system" means multimedia
15 communications equipment that includes, at a minimum, audio and
16 video equipment permitting 2-way, real-time interactive
17 communication between the patient and the distant site
18 provider. "Interactive telecommunication system" does not
19 include a telephone, facsimile machine, or electronic mail
20 system.

21 "Originating site" means the location at which the patient
22 receiving the service is located.

23 "Telecommunication system" means an asynchronous store and
24 forward technology or an interactive telecommunication system
25 that is used to transmit data between the originating and
26 distant sites.

1 "Telehealth" means the use of telecommunications services
2 to encompass 4 modalities: store and forward technologies,
3 remote monitoring, live consultation, and mobile health; and
4 which shall include, but not be limited to, real-time video
5 conferencing-based communication, secure interactive and
6 non-interactive web-based communication, and secure
7 asynchronous information exchange, to transmit patient medical
8 information, including diagnostic-quality digital images and
9 laboratory results for medical interpretation and diagnosis,
10 for the purpose of delivering enhanced health care services and
11 information while a patient is at an originating site and the
12 health care provider is at a distant site. "Telehealth"
13 includes telepsychiatry and telemedicine. "Telehealth" does
14 not include a standard telephone contact, facsimile
15 transmission, or e-mail text, in combination or by itself.

16 "Telemedicine" means the use of a telecommunication system
17 to provide medical services for the purpose of evaluation and
18 treatment when the patient is at one provider location and the
19 rendering provider is at another location.

20 "Telepsychiatry" means the use of a telecommunication
21 system to provide psychiatric services for the purpose of
22 evaluation and treatment when the patient is at one medical
23 provider location and the rendering provider is at another
24 location.

25 (b) Payment. Any payment or reimbursement made under the
26 fee-for-service or managed care medical assistance program for

1 a service delivered through telehealth or telepsychiatry, as
2 provided under this Section, shall be made on the same basis
3 and at the same rate as established for similar services that
4 are not delivered through telehealth. All Medicaid managed care
5 plans issued, amended, renewed, delivered, continued, or
6 executed shall comply with the provisions of this Section.

7 (c) Telehealth services requirements. All telehealth
8 services provided under this Section shall meet the following
9 requirements:

10 (1) The distant site provider must be an eligible
11 Illinois Medicaid participating provider or Illinois
12 Medicaid participating health care organization

13 (2) The originating and distant site provider must not
14 be terminated, suspended, or barred from the State's
15 fee-for-service or managed care medical assistance
16 program.

17 (3) Medical data may be exchanged through a
18 telecommunication system.

19 (4) The interactive telecommunication system must, at
20 a minimum, have the capability of allowing the consulting
21 distant site provider to examine the patient sufficiently
22 to allow proper diagnosis of the involved body system when
23 necessary and appropriate. The system must also be capable
24 of transmitting clearly audible heart tones and lung
25 sounds, as well as clear video images of the patient and
26 any diagnostic tools, such as radiographs, when necessary

1 and appropriate.

2 (d) Telehealth service prohibitions.

3 (1) An in-person visit between a patient and a health
4 care provider prior to the delivery of telehealth services
5 shall not be required for medical assistance coverage under
6 the State's fee-for-service or managed care medical
7 assistance program.

8 (2) No patient shall be required to give his or her
9 consent or informed consent before the delivery of services
10 through telehealth.

11 (3) A telepresenter shall not be required to be present
12 with the patient unless medically necessary.

13 (e) Reimbursement for telehealth services.

14 (1) Originating site reimbursement.

15 (A) A facility fee shall be paid to providers as
16 defined in subsection (a) of this Section.

17 (B) Local education agencies may submit telehealth
18 services as a certified expenditure.

19 (C) All Illinois Medicaid participating health
20 care organizations and providers that receive
21 reimbursement for a patient's room and board shall also
22 receive the facility fee.

23 (2) Reimbursement for encounter clinics. An encounter
24 clinic serving as the originating site shall be reimbursed
25 for its medical encounter on the same basis and at the same
26 rate as established for Illinois Medicaid participating

1 providers and Illinois Medicaid participating health care
2 organizations for the delivery of telehealth services as
3 provided under this Section.

4 (3) Reimbursement for rendering provider at the
5 distant site.

6 (A) Participating providers shall be reimbursed
7 for the appropriate Current Procedural Terminology
8 code for the telehealth service rendered.

9 (B) Nonparticipating providers may be reimbursed
10 by the originating site provider but shall not be
11 eligible for reimbursement from the Department.

12 (f) Copayments. Benefits for a service provided through
13 telehealth as required under this Section may be made subject
14 to a deductible, copayment, or coinsurance as long as the
15 deductible, copayment, or coinsurance required does not exceed
16 any deductible, copayment, or coinsurance established under
17 the fee-for-service or managed care medical assistance program
18 for the same service provided during an in-person visit.

19 (g) Record requirements for telehealth services.

20 (1) Medical records documenting the telehealth
21 services provided must be maintained by the originating
22 site in accordance with the requirements under 89 Ill. Adm.
23 Code. 140.28. No originating and distant site shall be
24 required to maintain or present as a condition of payment
25 any additional medical records to document the telehealth
26 services provided other than what is required under

1 applicable State or federal law.

2 (2) Appropriate steps must be taken by the originating
3 and distant site staff to ensure patient confidentiality,
4 based on technical advances in compliance with all federal
5 and State privacy and confidentiality laws.

6 (3) The billing records related to the use of the
7 telecommunication system shall be maintained as provided
8 in 89 Ill. Adm. Code 140.28.

9 (h) Implementation. The Department shall apply for any
10 federal waivers or approvals necessary to implement the
11 provisions of this Section. Implementation of this Section
12 shall be contingent on the receipt of all necessary federal
13 waivers or approvals. Upon receipt of all necessary federal
14 waivers or approvals, the Department shall implement the
15 provisions of this Section 60 days after the date federal
16 approval is received or 60 days after the effective date of
17 this amendatory Act of the 100th General Assembly, whichever is
18 later.

19 (305 ILCS 5/5-5.25 rep.)

20 Section 15. The Illinois Public Aid Code is amended by
21 repealing Section 5-5.25."