

Rep. Campion, Graf. 12
Rep. Marsh, Carr. 8
Rep. Knirk, Carr. 3
May 6, 2019
2019-1805h
01/04

Amendment to SB 258

1 Amend RSA 167:4-d as inserted by section 1 of the bill by replacing it with the following:

2
3 167:4-d Medicaid Coverage of Telehealth Services.

4 I. It is the intent of this section to recognize the application of telehealth for covered
5 services provided within the scope of practice of a physician or other health care provider as a
6 method of delivery of medical care by which an individual at an originating site shall receive
7 medical services which are clinically appropriate for delivery through telehealth from a health care
8 provider at a distant site without in-person contact with the provider.

9 II. In this section:

10 (a) "Telehealth services" shall comply with 42 C.F.R. section 410.78, except for 42 C.F.R.
11 section 410.78(b)(4). The use of the term "telemedicine" shall comply with the Centers for Medicare
12 and Medicaid Services requirements governing the aforementioned telehealth services.

13 (b) "Distant site" means the location of the health care provider delivering services
14 through telemedicine at the time the services are provided.

15 (c) "Originating site" means the location of the patient, whether or not accompanied by
16 a health care provider, at the time services are provided by a health care provider through
17 telemedicine, including, but not limited to, a health care provider's office, a hospital, or a health
18 care facility, or the patient's home or another nonmedical environment such as a school-based
19 health center, a university-based health center, or the patient's workplace.

20 (d) "Remote patient monitoring" means the use of electronic technology to remotely
21 monitor a patient's health status through the collection and interpretation of clinical data while the
22 patient remains at an originating site. Remote patient monitoring may or may not take place in
23 real time. Remote patient monitoring shall include assessment, observation, education and virtual
24 visits provided by all covered providers including licensed home health care providers.

25 (e) "Store and forward," as it pertains to telemedicine and as an exception to 42 C.F.R.
26 section 410.78, means the use of asynchronous electronic communications between a patient at an
27 originating site and a health care service provider at a distant site for the purpose of diagnostic and
28 therapeutic assistance in the care of patients. This includes the forwarding and or transfer of
29 stored medical data from the originating site to the distant site through the use of any electronic
30 device that records data in its own storage and forwards its data to the distant site via
31 telecommunication for the purpose of diagnostic and therapeutic assistance.

Amendment to SB 258
- Page 2 -

1 III.(a) Coverage under this section shall include the use of telehealth or telemedicine for
2 Medicaid-covered services provided within the scope of practice of a physician or other health care
3 provider as a method of delivery of medical care:

4 (1) Which is an appropriate application of telehealth services provided by physicians
5 and other health care providers, as determined by the department based on the Centers for
6 Medicare and Medicaid Services regulations, and also including persons providing
7 psychotherapeutic services as provided in He-M 426.08 and 09;

8 (2) By which telemedicine services for primary care, remote patient monitoring, and
9 substance use disorder services shall only be covered in the event that the patient has already
10 established care at an originating site via face-to-face in-person service; and

11 (3) By which an individual shall receive medical services from a physician or other
12 health care provider who is an enrolled Medicaid provider without in-person contact with that
13 provider.

14 (b) Nothing in this section shall be construed to prohibit the Medicaid program from
15 providing coverage for only those services that are medically necessary and subject to all other
16 terms and conditions of the coverage.

17 IV. This section shall be conditioned upon review and approval of a state plan amendment
18 submitted by the department to the Centers for Medicare and Medicaid Services, as deemed
19 necessary.

20 V. The department shall adopt rules, pursuant to RSA 541-A, necessary to carry out the
21 purposes of this section.

22
23 Amend RSA 415-J:2, II-b as inserted by section 3 of the bill by replacing it with the following:
24

25 II-b. "Remote patient monitoring" means the use of electronic technology to remotely
26 monitor a patient's health status through the collection and interpretation of clinical data while the
27 patient remains at an originating site. Remote patient monitoring may or may not take place in
28 real time. Remote patient monitoring shall include assessment, observation, education, and virtual
29 visits provided by all covered providers including licensed home health care providers.
30

31 Amend the bill by replacing section 5 with the following:
32

33 5 Effective Date.

34 I. Sections 3 and 4 of this act shall take effect January 1, 2020.

35 II. The remainder of this act shall take effect 60 days after its passage.