

H. B. 4531

(By Delegates Poore, Marshall, Lawrence, Moore, Perdue, Fleischauer, Miller, Pasdon, Guthrie, Diserio and Jones)

[Introduced February 14, 2014; referred to the Committee on Health and Human Resources then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to expanding patient access to healthcare services, improving quality of care and reducing costs through the use of telemedicine.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all to read as follows:

**ARTICLE 46. TELEMEDICINE FOR QUALITY IMPROVEMENT AND HEALTHCARE MODERNIZATION ACT.**

**§16-46-1. Legislative Intent.**

The Legislature finds that telemedicine can efficiently improve access and quality of care for under served patients by providing consultations and specialty care. Remote monitoring and home telehealth can help the chronically ill stay at home and out

1 of hospitals and emergency rooms, dramatically reducing costs.  
2 Patients are mobile and expect access to their care provider from  
3 wherever and whenever needed. Today, more and more people are  
4 taking advantage of telemedicine and e-health opportunities. But  
5 these services are not available for everyone and action is needed  
6 to assure that all citizens of West Virginia receive the benefits  
7 available through telemedicine.

8 **§16-46-2. Definitions.**

9 "Telemedicine services" means the use of synchronous video  
10 conferencing, remote patient monitoring, and asynchronous health  
11 images or other health transmissions supported by mobile devices  
12 (m-Health) or other telecommunications technology by a health care  
13 provider to deliver health care services at a site other than the  
14 site where the provider is located relating to the health care  
15 diagnosis or treatment of a patient.

16 **§16-46-3. Application of provisions of this article.**

17 This article applies to all insurance policies, contracts and  
18 plans delivered, issued for delivery, reissued or at any time  
19 thereafter when any term of the policy, contract or plan is changed  
20 or any premium adjustment is made. This article does not apply to  
21 short-term travel, accident-only, limited or specified disease or  
22 individual conversion policies or contracts or to policies or  
23 contracts designed for issuance to persons eligible for coverage  
24 under Medicare or any other similar coverage under state or federal

1 governmental plans.

2 **§16-46-4. Required reimbursement.**

3 Health insurers, health care subscription plans, and health  
4 maintenance organizations shall provide appropriate reimbursement  
5 for care delivered through an in person or electronic visit. The  
6 state's Medicaid plan and state employee plans may not deny  
7 coverage on the basis that coverage is provided through  
8 telemedicine if the health care service would be covered were it  
9 provided through in-person consultation between the recipient and  
10 a health care provider. Coverage for health care services provided  
11 through telemedicine must be determined in a manner consistent with  
12 coverage for health care services provided through in-person  
13 consultation. Specifically included is statewide coverage,  
14 services originating from a recipients home or wherever else they  
15 may be, all health professionals authorized to provide services by  
16 a telehealth method to the extent otherwise covered in the state's  
17 plan, and timely asynchronous telehealth services.

18 Decisions denying coverage of services provided via  
19 telemedicine are subject to utilization review procedures.

20 **§16-46-5. Required reporting; initiatives; and plans.**

21 The Secretary of the State Department of Health and Human  
22 Resources shall lead an interagency study and report to the  
23 Legislature within twelve months from the passage of this article  
24 on comprehensive plans to encourage the adoption and use of

1 telemedicine services as part of interoperable care delivery system  
2 within the state. The report shall include initiatives where  
3 health technology is engaging patients in managing their own care,  
4 expanding access to care providers, reducing costs, and improving  
5 population health outcomes. The report shall also include plans  
6 for the implementation of a statewide medical assistance benefit of  
7 a health home for individuals with chronic conditions (defined  
8 under 42 U. S. C 1396a).

NOTE: The purpose of this bill is to expand patient access to healthcare services, improving quality of care and reducing costs through the use of telemedicine. The bill requires all health insurers, health care subscription plans, and health maintenance organizations to provide appropriate reimbursement for care delivered through an in person or electronic visit.

This article is new; therefore, it has been completely underscored.