

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2880

BY DELEGATES YOUNG AND J. PACK

[Introduced March 03, 2021; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §33-57-1 of the Code of West Virginia, 1931, as amended, relating
2 accessibility of telehealth and telemedicine by persons with disabilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 57. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-57-1. Coverage of telehealth services.

1 (a) The following terms are defined:

2 (1) "Distant site" means the telehealth site where the health care practitioner is seeing the
3 patient at a distance or consulting with a patient's health care practitioner.

4 (2) "Health care practitioner" means a person licensed under §30-1-1 *et seq.* of this code
5 who provides health care services.

6 (3) "Originating site" means the location where the patient is located, whether or not
7 accompanied by a health care practitioner, at the time services are provided by a health care
8 practitioner through telehealth, including, but not limited to, a health care practitioner's office,
9 hospital, critical access hospital, rural health clinic, federally qualified health center, a patient's
10 home, and other nonmedical environments such as school-based health centers, university-
11 based health centers, or the work location of a patient.

12 (4) "Remote patient monitoring services" means the delivery of home health services
13 using telecommunications technology to enhance the delivery of home health care, including
14 monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood
15 glucose, and other condition-specific data; medication adherence monitoring; and interactive
16 video conferencing with or without digital image upload.

17 (5) "Telehealth services" means the use of synchronous or asynchronous
18 telecommunications technology by a health care practitioner to provide health care services,
19 including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a
20 patient; transfer of medical data; patient and professional health-related education; public health
21 services; and health administration. The term does not include audio-only telephone calls, e-mail

22 messages, or facsimile transmissions.

23 (b) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to
24 §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of
25 this code which issues or renews a health insurance policy on or after July 1, 2020, shall provide
26 coverage of health care services provided through telehealth services if those same services are
27 covered through face-to-face consultation by the policy.

28 (c) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et*
29 *seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or
30 after July 1, 2020, may not exclude a service for coverage solely because the service is provided
31 through telehealth services.

32 (d) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et*
33 *seq.*, and §33-25A-1 *et seq.*, of this code shall provide reimbursement for a telehealth service at
34 a rate negotiated between the provider and the insurance company.

35 (e) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et*
36 *seq.*, and §33-25A-1 *et seq.* of this code may not impose any annual or lifetime dollar maximum
37 on coverage for telehealth services other than an annual or lifetime dollar maximum that applies
38 in the aggregate to all items and services covered under the policy, or impose upon any person
39 receiving benefits pursuant to this section any copayment, coinsurance, or deductible amounts,
40 or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for
41 benefits or services, that is not equally imposed upon all terms and services covered under the
42 policy, contract, or plan.

43 (f) An originating site may charge an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*,
44 §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code a site fee.

45 (g) The coverage required by this section shall include the use of telehealth technologies
46 as it pertains to medically necessary remote patient monitoring services to the full extent that
47 those services are available.

48 (h) Telemedicine and telehealth systems shall include accessible communication features
49 to facilitate the use of telemedicine and telehealth by individuals with a disability and individuals
50 with a sensory impairment, including, but not limited to, individuals who are deaf, hard of hearing,
51 visually impaired, blind, or deaf-blind.

NOTE: The purpose of this bill is to require accessible communication features to facilitate the use of telemedicine and telehealth by individuals with a disability.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.