

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 28

Senator Tavares

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A BILL

To enact sections 1739.23, 1751.69, 3923.235, and 1
5111.026 of the Revised Code regarding insurance 2
and Medicaid coverage of telemedicine services. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1739.23, 1751.69, 3923.235, and 4
5111.026 of the Revised Code be enacted to read as follows: 5

Sec. 1739.23. (A) As used in this section: 6

(1) "Physician" means an individual authorized under Chapter 7
4731. of the Revised Code to practice medicine and surgery or 8
osteopathic medicine and surgery, including the holder of a 9
telemedicine certificate issued under section 4731.296 of the 10
Revised Code. 11

(2) "Telemedicine service" means a medical service delivered 12
by a physician through the use of any communication, including 13
oral, written, or electronic communication. 14

(B) Notwithstanding section 3901.71 of the Revised Code, no 15
multiple employer welfare arrangement operating a group 16
self-insurance program shall exclude coverage for a telemedicine 17
service solely because the service is not provided through a 18
face-to-face consultation. The arrangement may require a 19
deductible, copayment, or coinsurance for the telemedicine 20

service. The amount of the deductible, copayment, or coinsurance shall not exceed the amount of the deductible, copayment, or coinsurance required for a comparable medical service provided through a face-to-face consultation. 21
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Sec. 1751.69. (A) As used in this section: 25

(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code. 26
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(2) "Telemedicine service" means a medical service delivered by a physician through the use of any communication, including oral, written, or electronic communication. 31
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(B) Notwithstanding section 3901.71 of the Revised Code, no individual or group health insuring corporation policy, contract, or agreement that is delivered, issued for delivery, or renewed in this state shall exclude coverage for a telemedicine service solely because the service is not provided through a face-to-face consultation. The policy, contract, or agreement may require a deductible, copayment, or coinsurance for the telemedicine service. The amount of the deductible, copayment, or coinsurance shall not exceed the amount of the deductible, copayment, or coinsurance required for a comparable medical service provided through a face-to-face consultation. 34
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Sec. 3923.235. (A) As used in this section: 45

(1) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including the holder of a telemedicine certificate issued under section 4731.296 of the Revised Code. 46
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(2) "Telemedicine service" means a medical service delivered 51
by a physician through the use of any communication, including 52
oral, written, or electronic communication. 53

(B) Notwithstanding section 3901.71 of the Revised Code, no 54
individual or group policy of sickness and accident insurance 55
delivered, issued for delivery, or renewed in this state shall 56
exclude coverage for a telemedicine service solely because the 57
service is not provided through a face-to-face consultation. The 58
policy may require a deductible, copayment, or coinsurance for the 59
telemedicine service. The amount of the deductible, copayment, or 60
coinsurance shall not exceed the amount of the deductible, 61
copayment, or coinsurance required for a comparable medical 62
service provided through a face-to-face consultation. 63

Sec. 5111.026. (A) As used in this section: 64

(1) "Physician" means an individual authorized under Chapter 65
4731. of the Revised Code to practice medicine and surgery or 66
osteopathic medicine and surgery, including the holder of a 67
telemedicine certificate issued under section 4731.296 of the 68
Revised Code. 69

(2) "Telemedicine service" means a medical service delivered 70
by a physician through the use of any communication, including 71
oral, written, or electronic communication. 72

(B) The director of job and family services shall do all of 73
the following with respect to the provision of telemedicine 74
services: 75

(1) Ensure that the medicaid program does not exclude 76
coverage for a telemedicine service solely because the service is 77
not provided through a face-to-face consultation; 78

(2) Ensure that the medicaid program does not require a 79
medical service to be provided to a medicaid recipient through a 80

<u>telemedicine service when the service can reasonably be provided</u>	81
<u>through a face-to-face consultation;</u>	82
<u>(3) Establish a system to monitor the provision of</u>	83
<u>telemedicine services to medicaid recipients for purposes of</u>	84
<u>ensuring quality care and preventing fraud and abuse.</u>	85
<u>(C) The director may require a face-to-face consultation</u>	86
<u>between a medicaid recipient and a physician to occur following an</u>	87
<u>initial telemedicine service only if the physician who provided</u>	88
<u>the service had never before seen the recipient as a patient. The</u>	89
<u>director may specify a period of time within which the</u>	90
<u>consultation must occur.</u>	91