

Amendment No. 1 to SB2050

McNally
Signature of Sponsor

AMEND Senate Bill No. 2050

House Bill No. 1895*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section:

(1) "Health insurance carrier" means:

(A) Insurers and nonprofit health service plans that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the state;

(B) Health maintenance organizations that provide hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in this state; and

(C) Managed care organizations participating in the medical assistance program under title 71, chapter 5;

(2) "Healthcare services" has the same meaning as defined in § 56-7-1016(b)(1); and

(3) "Telehealth":

(A) Means the use of real-time interactive audio, video, or other telecommunications or electronic technology to deliver healthcare services to a patient within the scope of practice of the healthcare

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services provider at a site other than the site at which the patient is located; and

(B) Does not include:

- (i) An audio-only conversation;
- (ii) An electronic mail message; or
- (iii) A facsimile transmission.

(b) Healthcare services provided through a telehealth encounter shall comply with state licensure requirements promulgated by the appropriate licensure boards. Healthcare services providers practicing via telehealth technologies shall be held to the same standard of care as healthcare services providers providing in-office or on-call settings for the same healthcare service.

(c) Except as otherwise provided in subsection (d), a health insurance carrier:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through telehealth;

(2) Shall reimburse a healthcare services provider for the diagnosis, consultation, and treatment of an insured patient for a healthcare service covered under a health insurance policy or contract that is provided through telehealth;

(3) Shall not exclude from coverage a healthcare service solely because it is provided through telehealth and is not provided through an in-person encounter between a healthcare services provider and a patient;

(4) May impose a deductible, copayment, or coinsurance amount on benefits for covered healthcare services that are delivered through a telehealth

encounter; provided, however, that the patient responsibility is similar to what it would be had the service been delivered through an in-person encounter; and

(5) Shall reimburse healthcare services providers who are out-of-network for telehealth care services under the same reimbursement policies regarding access to out-of-network healthcare services providers subject to the terms that the benefit plan permits for in-person encounters that are out-of-network.

(d) A health insurance carrier shall reimburse for covered telehealth services in a manner that is consistent with what the benefit plan permits for in-person encounters.

SECTION 2. This act shall take effect October 1, 2014, the public welfare requiring it, and shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in this state on or after October 1, 2014.