

Amendment No. 1 to SB1169

**Watson
Signature of Sponsor**

AMEND Senate Bill No. 1169

House Bill No. 753*

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

SECTION 1. Tennessee Code Annotated, Section 56-7-1002(a), is amended by adding the following as new subdivisions:

() "Facility-based telehealth":

(A) Means the use of real-time, interactive audio, video telecommunications, or electronic technology for the provision of store-and-forward telemedicine services by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when:

(i) The provider is at a qualified site other than the site where the patient is located; and

(ii) The patient is located:

(a) At a qualified site;

(b) At a school clinic staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section; or

(c) At a public elementary or secondary school staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section; and

(B) Does not include:

(i) An audio-only conversation;

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(ii) An electronic mail message; or

(iii) A facsimile transmission;

() "Provider-based telehealth":

(A) Means the use of real-time, interactive audio, video telecommunications, or electronic technology, which may include store-and-forward telemedicine or remote patient monitoring telemedicine services, used over the course of the visit by a healthcare services provider to deliver healthcare services to a patient within the scope of practice of the healthcare services provider when the visits are ordered by the provider as part of a treatment regimen and when:

(i) The provider is at a site other than the site where the patient is located; and

(ii) The patient is located:

(a) At a qualified site;

(b) At a school clinic staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section;

(c) At a public elementary or secondary school staffed by a healthcare services provider and equipped to engage in the telecommunications described in this section;

(d) At the patient's residence that is equipped to engage in the telecommunications described in this section; or

(e) At the patient's place of employment that is equipped to engage in the telecommunications described in this section;

and

(B) Does not include:

(i) An audio-only conversation;

(ii) An electronic mail message; or

(iii) A facsimile transmission;

() "Remote patient monitoring telemedicine services":

(A) Means using FDA-approved and FDA-cleared digital technologies to collect medical and other forms of health data from a patient and then to electronically transmit that information securely to healthcare services providers in a different location for interpretation and recommendation, and the remote patient monitoring services include, but are not limited to:

(i) Continuous glucose monitoring when ordered by a physician;

(ii) Remote monitoring of devices when ordered by a physician,

and the devices include, but are not limited to, external mobile cardiovascular telemetry and implantable medical devices, such as pacemakers, defibrillators, cardiac monitors, loop recorders, deep brain stimulators, and infusion pumps;

(iii) Remote patient monitoring for disease management when ordered by a physician, and the diseases, conditions, or health issues include, but are not limited to:

(a) Diabetes;

(b) Congestive heart failure;

- (c) Chronic obstructive pulmonary disease;
- (d) Mental health conditions and addiction;
- (e) Chronic disease causing impaired mobility;
- (f) Chronic illness expected to last for life and require ongoing management by a healthcare services provider, including, but not limited to, chronic lung, liver, or renal disease;
- (g) Post-transplant period for patients who have undergone a transplant for solid organ, bone marrow, stem cell, or other tissue;
- (h) Patient approved for home nursing, home oxygen, home ventilator use, BiPAP use, CPAP use, or Baclofen pump, or patient who has a ventriculoperitoneal shunt or any type of ostomy;
- (i) Cerebral palsy;
- (j) Obesity;
- (k) Frequent hospital admissions, meaning at least two (2) in the past year or one (1) ICU admission;
- (l) Congenital or genetic conditions, including, but not limited to, chromosomal abnormality, genetic syndrome, known congenital malformation association, severe developmental delay, metabolic disease, or congenital heart disease, tracheomalacia, laryngomalacia, bronchomalacia, autonomic dysfunction, and pituitary gland dysfunction;
- (m) Heart and blood pressure conditions, including, but not limited to, congenital heart disease, bradycardia, and hypertension;

(n) Neurologic conditions, including, but not limited to, seizure disorder, static encephalopathy, hypoxic ischemic encephalopathy, history of intracranial bleed or stroke, traumatic brain injury, congenital brain formation, sleep disorders, and degenerative neurologic condition;

(o) Breathing conditions, including, but not limited to, asthma and obstructive sleep apnea and recurrent pneumonia, meaning two (2) or more in the past year;

(p) Urinary conditions, including, but not limited to, bladder dysfunction, kidney stones, and bladder stones;

(q) Bone or joint conditions, including, but not limited to, osteopenia, osteoporosis, scoliosis, hip dysplasia or dislocation, skeletal deformity, history of pathological fractures, and contractures of extremity joints;

(r) Gastrointestinal conditions, including feeding problems and gastrointestinal motility disorder;

(s) Hypothermia; or

(t) History of decubitus ulcer; and

(iv) Remote monitoring for pharmacy adherence when ordered by a physician and when the patient uses a Bluetooth pill box or other smart pill box, or consumes digital pills by which a signal is transmitted by the pill and then a transdermal patch when the pill is consumed; and

(B) Does not include the use of:

(i) Consumer-grade wearable devices that are not FDA-approved or FDA-cleared; or

(ii) Basic vital sign information that can be gathered from a consumer-grade wearable device that has not been FDA-approved or FDA-cleared;

() "Telehealth" means healthcare services provided by a telehealth provider, including remote patient monitoring, store-and-forward telemedicine services, facility-based telehealth, or provider-based telehealth;

SECTION 2. Tennessee Code Annotated, Section 56-7-1002(a)(6), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 56-7-1002(d), is amended by deleting the subsection and substituting the following:

(d) Subject to subsection (c), a health insurance entity:

(1) Shall provide coverage under a health insurance policy or contract for covered healthcare services delivered through facility-based telehealth or provider-based 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 facility-based telehealth or provider-based telehealth without any distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located;

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

(4) Shall reimburse healthcare services providers who are out-of-network for facility-based telehealth and provider-based telehealth care services under

the same reimbursement policies applicable to other out-of-network healthcare services providers.

SECTION 4. Tennessee Code Annotated, Section 56-7-1002(e), is amended by deleting the subsection and substituting the following:

(e) A health insurance entity shall provide coverage for healthcare services provided during a facility-based telehealth or provider-based telehealth encounter in a manner that is consistent with what the health insurance policy or contract provides for in-person encounters for the same service and provider, and shall reimburse for healthcare services provided during a telehealth encounter without distinction or consideration of the geographic location, or any federal, state, or local designation or classification of the geographic area where the patient is located.

SECTION 5. Tennessee Code Annotated, Section 56-7-1002(h), is amended by deleting the subsection and substituting the following:

(h) This section does not apply to accident-only, specified disease, hospital indemnity, self-insured plans subject to the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. § 1001, et seq.), disability income, long-term care, or other limited benefit hospital insurance policies.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.