



## MATRC Region Legislative/Regulatory Update – March 2015

Please Note: CCHP (our national Policy Telehealth Resource Center) has a pending legislation/regulation webpage located at the following link:  
<http://cchpca.org/state-laws-and-reimbursement-policies>

### Pending Legislation

State	Bill #	Status	Summary
Kentucky	<a href="#">HB 121</a>	3/11/15: Second Reading. Referred to Senate Committee on Rules.	Relates to court-ordered mental health treatment; allows mental health examinations for the purposes of 72-hour holds to be performed via telehealth.
Kentucky	<a href="#">SB 51</a>	3/11/15: Delivered to Governor	This bill would require that a qualified mental health professional that performs an exam for the purposes of involuntary hospitalization be qualified and licensed to perform the examination through the use of telehealth services (among other things).
Kentucky	<a href="#">SB 185</a>	2/19/15: 1st reading in Senate. Returned to Senate Committee on Committees; and to Committee on Appropriations and Revenue.	This bill relates to cost-savings demonstration projects for state-administered health plans. Such demonstration would center on process improvement and patient empowerment with door-to-door engagement through use of interactive technology, known as telehealth, to capture the potential for improved medical outcomes at reduced cost, among other things.



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New Jersey	<a href="#">AB 1289</a>	1/16/14: Introduced and referred to Assembly Committee on Human Services.	This bill provides that, subject to approval by the federal Department of Health and Human Services, the State Medicaid program is to include coverage for telepsychiatry, which provides for an exchange of information by telephone or other technologically assisted means in order to improve the mental health of adults and children under 19 years of age. Telepsychiatry is to be provided in accordance with regulations adopted by the Commissioner of Human Services and at a reimbursement rate that is commensurate with the cost of providing those services in the State. <i>(carryover from 2014)</i>
New Jersey	<a href="#">AB 2161</a>	1/16/14: Introduced and referred to Assembly Committee on Health and Senior Services.	This bill requires that FQHCs ensure the availability at all times of a physician or advanced practice nurse who has access to the health center's records, so that relevant medical information can be shared with other providers; and establish a collaborative agreement with a local hospital to provide behavioral, mental health, and substance abuse services through telemedicine at times that the services are not available at the center. <i>(carryover from 2014)</i>
New Jersey	<a href="#">AB 3591</a>	9/11/14: To Assembly Committee on Health and Senior Services	Enters New Jersey in the Nurse Multistate Licensure Compact. <i>(carryover from 2014)</i>
New Jersey	<a href="#">AB 3674</a>	9/18/14: To Assembly Committee on Health and Senior Services	This bill would provide for Medicaid and NJ FamilyCare coverage and reimbursement for health care services provided through telemedicine. <i>(carryover from 2014)</i>
New Jersey	<a href="#">AB 3675</a>	10/31/14: Reviewed by the Pension and Health Benefits Commission. Recommend to not enact.	This bill would provide for Medicaid and NJ FamilyCare coverage and reimbursement for health care services provided through telemedicine. <i>(carryover from 2014)</i>



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New Jersey	<a href="#">AB 4231</a>	2/24/15 Introduced and referred to Assembly Health and Senior Services Committee.	Authorizes health care practitioners to provide health care services through telemedicine.
New Jersey	<a href="#">SB 1204</a>	1/30/14: Introduced and referred to Senate Committee on Health, Human Services and Senior Citizens.	This bill is an Act concerning federally qualified health centers (FQHCs). It would require, as a condition for receiving State funds, that a FQHC establish a collaborative agreement with a local hospital to provide behavioral, mental health, and substance abuse services through telemedicine at times that the services are not available at the center. Any such contract shall specify the manner in which reimbursements for services shall be divided between the federally qualified health center and the hospital. <i>(carryover from 2014)</i>
New Jersey	<a href="#">SB 1219</a>	1/30/14: Introduced and referred to Senate Committee on Health, Human Services and Senior Citizens.	This bill provides that, subject to approval by the federal Department of Health and Human Services, the State Medicaid program is to include coverage for telepsychiatry. <i>(carryover from 2014)</i>
New Jersey	<a href="#">SB 2337</a>	8/11/14: Introduced. To Senate Committee on Health, Human Services and Senior Citizens.	This bill would provide for Medicaid and NJ FamilyCare coverage and reimbursement for health care services provided through telemedicine. <i>(carryover from 2014)</i>
New Jersey	<a href="#">SB 2338</a>	10/31/14: Reviewed by the Pension and Health Benefits Commission. Recommend to not enact.	This bill would require health insurance carriers; state health benefits programs, and school employees' health benefits programs to provide coverage for telemedicine. <i>(carryover from 2014)</i>



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New Jersey	<a href="#">SB 2729</a>	2/5/15: Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee	Authorizes health care practitioners to provide health care services through telemedicine.
Pennsylvania	<a href="#">HB 706</a>	3/4/15: Introduced and referred to House Committee on Insurance.	This bill defines telehealth and provides for telehealth coverage by private insurance plans.
Virginia	<a href="#">HB 2146</a>	2/10/15: Left in House Committee of Agriculture, Chesapeake and Natural Resources	Amends provisions related to the Tobacco Indemnification and Community Revitalization Commission. It expands the purposes for which the Tobacco Indemnification and Community Revitalization Commission can distribute funds to include providing proton therapy telemedicine and scientific research performed at one of the Commonwealth's cancer research and treatment centers in Southside or Southwest Virginia for citizens living in the two regions.
Virginia	<a href="#">SB 647</a>	3/3/14: Continued to 2015 in Appropriations by House voice vote.	Directs the Department of Medical Assistance Services to create a two-year pilot program to provide dental services to school-age children who are eligible to receive pediatric dental services through the Smiles for Children program in school divisions in which at least 50 percent of the elementary students have not been examined by a dentist within the preceding 12 months or have no dental home of record. Participating dentists will provide supervision of dental hygienists through the use of teledentistry. <i>(carryover from 2014)</i>
Virginia	<a href="#">SB 713</a>	2/24/15: Left in House Committee on Health, Welfare and Institutions	This bill establishes the Patient-Centered Medical Home Advisory Council and their powers and duties. The council, among other things shall recommend to the Department of Medical Assistance Services an implementation plan for patient-centered medical home system. The implementation plan may include the use of telemedicine, among other things.



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Virginia	<a href="#">SB 718</a>	2/24/15: Left in House Committee on Appropriations	Directs the Department of Health, in partnership with a hospital licensed in the Commonwealth, to establish a three-year telemedicine pilot program designed to reduce patient use of emergency department facilities for the treatment of low- acuity conditions; requires the Department to report the results of the pilot program to the State Board of Health and to the General Assembly by October 1, 2018.
Virginia	<a href="#">SB 1332</a>	2/24/15: Left in House Committee on Agriculture, Conservation and Natural Resources	Sponsor: Alexander Amends provisions related to the Tobacco Indemnification and Community Revitalization Commission. It expands the purposes for which the Tobacco Indemnification and Community Revitalization Commission can distribute funds to include providing proton therapy telemedicine and scientific research performed at one of the Commonwealth's cancer research and treatment centers in Southside or Southwest Virginia for citizens living in the two regions.
Virginia	<a href="#">SB 5001</a>	1/15/14: Left in Committee on Education and Health	This bill establishes a Patient Centered Medical Home Advisory Council. It directs the council to form an implementation plan, which may include the use of telemedicine (among other things). <i>(carryover from 2014)</i>
Virginia	<a href="#">SB 5011</a>	1/15/15: Left in Committee on Education and Health	A bill directing the Department of Health to establish a three-year telemedicine pilot program. <i>(carryover from 2014)</i>
West Virginia	<a href="#">HB 2496</a>	3/18/15: To Governor.	This bill would adopt the Interstate Medical Licensure Compact.
West Virginia	<a href="#">HB 2497</a>	2/6/15: Referred to House Judiciary Committee.	The purpose of this bill is to reformulate what constitutes the unauthorized practice of medicine and podiatry under the West Virginia Board of Medicine, including qualified exemptions. The bill also updates and defines telemedicine and telemedicine technologies and medical services delivery standards. The bill establishes criminal penalties for unauthorized medical practice. The bill authorizes rule-making.
West Virginia	<a href="#">SB 330</a>	2/19/15: To Senate Committee on Health and Human Resources	This bill would adopt the Federation of State Medical Boards' Interstate Medical Licensure Compact.



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West Virginia	<a href="#">SB 334</a>	2/20/15: Referred to House Judiciary Committee.	This bill updates and defines telemedicine and telemedicine technologies and medical services delivery standards.
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### Approved Legislation

State	Bill #	Status	Summary
Virginia	<a href="#">HB 2063</a>	3/16/15: Chaptered.	Sponsor: Kilgore Amends the definition of telemedicine services to encompass the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient, consulting with other health care providers regarding a patient's diagnosis or treatment, or transmitting a patient's health care data. It also provides that an examination performed using telemedicine services shall be sufficient to meet the requirement for an "appropriate examination". Identical to SB 1227.
Virginia	<a href="#">SB 1227</a>	2/26/15: Signed by Governor	Sponsor: McWaters Amends the definition of telemedicine services to encompass the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient, consulting with other health care providers regarding a patient's diagnosis or treatment, or transmitting a patient's health care data. It also stipulates when a bona fide practitioner patient relationship is established, which can be done through live video or store and forward technologies when certain criteria are met. Identical to HB 2063.



## Dead Legislation

State	Bill #	Status	Summary
Maryland	<a href="#">SB 252</a>	3/16/15: Unfavorable report by Education, Health and Environmental Affairs; Withdrawn.	This bill would adopt the Interstate Medical Licensure Compact.
Maryland	<a href="#">HB 1026</a>	2/24/15: Unfavorable report by Health and Government Operations; Withdrawn.	Requiring that regulations adopted by the Secretary of Health and Mental Hygiene under a specified provision of law allow psychiatric nurse practitioners to provide and receive reimbursement from State and federal funds for telemental health services.
Maryland	<a href="#">SB 318</a>	3/2/15: Unfavorable report by Finance; Withdrawn	Requiring that regulations adopted by the Secretary of Health and Mental Hygiene under a specified provision of law allow psychiatric nurse practitioners to provide and receive reimbursement from State and federal funds for telemental health services.



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## Pending Regulation

State	Reg./Lexis Ref. #	Status	Summary
Delaware	<a href="#">24 DAC 2600</a>	12/1/14: Proposed rule Comment Deadline: 2/11/15	Title: Physical Therapists and Athletic Trainers Agency: Examining Board of Physical Therapists and Athletic Trainers Establishes rules concerning the practice of telehealth and dry needling.
Maryland	<a href="#">COMAR 30.08.01.02; .12.01 to .15</a>	1/23/15: Proposed rule Comment Deadline: 2/23/15	Title: Perinatal and Neonatal Referral Center Standards Agency: Institute for Emergency Medical Services Systems This rule would add a definition for telemedicine into the standards for designation of perinatal and neonatal referral centers.
North Carolina	<a href="#">10A NCAC 43K .0101, .0102, 0103</a>	12/1/14: Proposed Comment Deadline: 1/30/15	Title: Newborn Health Screening for Heart Defects Agency: Department of Health and Human Services/Commission of Public Health The regulation establishes certain screening requirements for medical facilities and attending providers of a neonate or infant, including the implementation of a written plan for evaluation and follow up of critical congenital heart defect screenings. In that plan, options for neonatal or infant echocardiograms must be included on-site, through telemedicine or by transfer or referral.





## Adopted Regulation

State	Reg./Lexis Ref. #	Status	Summary
Kentucky	<a href="#">902 KAR 20:440</a>	2/9/15: Rule Adopted Effective: 12/17/14	Title: Facilities Specifications, Operation and Services Agency: Office of Inspector General, Division of Health Care This administrative regulation establishes minimum licensure requirements for the operation of residential crisis stabilization units which serve at-risk children or children with severe emotional disabilities, at-risk adults or adults with severe mental illness, or individuals with substance use disorder or co-occurring disorders. Among other things, the rule requires an entity licensed to operate as a residential crisis stabilization unit to provide psychiatric services. The psychiatrist may serve more than one residential crisis stabilization unit and be available through telehealth consultation.
Maryland	<a href="#">COMAR 10.09.49.01 to .07, .11, .12</a>	12/2/14: Final Action. Effective: 12/22/14	Title: Telemedicine Services Agency: Department of Health and Mental Hygiene/Medical Care Programs This rule would amend regulations related to reimbursement of telemedicine services through the states' Medicaid program. Among other things, it would prohibit Medicaid from reimbursing home health monitoring and telemedicine services delivered by an originating and distant site provider located in different facilities in the same hospital campus.
Virginia	<a href="#">12 VAC 30-50-600, -121-10 thru -250</a>	12/10/14: Emergency Rule Adoption Effective: 12/10/14 Expires: 6/9/16	Title: Medical and Remedial Care Services, Medicare-Medicaid Agency: Department of Medical Assistance Services This rule establishes the amount, duration, and scope of medical and remedial care services under a Medicare-Medicaid Demonstration waiver. Among other things, it states that plans are allowed to use and reimburse for telehealth in both rural and urban settings and for live and store and forward applications.