
SENATE BILL 5497

State of Washington

61st Legislature

2009 Regular Session

By Senators Marr, Keiser, and Murray

Read first time 01/23/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the delivery of home health care services
2 through telemedicine; and adding a new section to chapter 74.09 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09 RCW
5 to read as follows:

6 (1) In-person contact between a home health care provider and a
7 patient is not required under the state's medical assistance program
8 for home health care services that are: (a) Delivered through
9 telemedicine and (b) otherwise eligible for reimbursement under the
10 program. The telemedicine program shall include health care
11 professional oversight and intervention as appropriate and must still
12 meet the criteria of medically necessary for a telemedicine visit. The
13 services delivered through telemedicine are subject to reimbursement
14 policies adopted by rule of the department after consultation with home
15 health care service providers. Home health care services delivered
16 through telemedicine are covered by and reimbursed under the state's
17 medicaid payment program.

18 (2)(a) The department shall establish the reimbursement rate for

1 home health care services delivered through telemedicine that are
2 otherwise eligible for reimbursement under the medical assistance
3 program.

4 (b) The reimbursement rate must be comparable to the rate currently
5 paid for a home health visit.

6 (c) Reimbursement is not provided for purchase or lease of
7 telemedicine equipment.

8 (3)(a) A home health care services provider who delivers services
9 through telemedicine shall provide to each patient, before treating
10 that patient through telemedicine for the first time, the following
11 written statements:

12 (i) That the patient retains the option to refuse the delivery of
13 home health care services via telemedicine at any time without
14 affecting the patient's right to future care or treatment and without
15 risking the loss or withdrawal of any program benefits to which the
16 patient would otherwise be entitled;

17 (ii) That all applicable confidentiality protections shall apply to
18 the services; and

19 (iii) That the patient shall have access to all medical information
20 resulting from the telemedicine services as provided by applicable law
21 for patient access to his or her medical records.

22 (b) The provisions of (a) of this subsection shall not apply in an
23 emergency.

24 (4) Nothing in this section shall be construed to alter the scope
25 of practice of any home health care services provider or authorize the
26 delivery of home health care services in a setting or manner not
27 otherwise authorized by law.

28 (5) For the purposes of this section, "telemedicine" means the
29 delivery of medical services and any treatment, transfer of medical
30 data, or education related to health care services using audio, video,
31 or data communication instead of in-person contact.

--- END ---