

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5325

Chapter 100, Laws of 2021

67th Legislature
2021 Regular Session

BEHAVIORAL HEALTH TELEMEDICINE REIMBURSEMENT—AGE LIMITATION

EFFECTIVE DATE: July 25, 2021

Passed by the Senate February 26,
2021

Yeas 47 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 6, 2021

Yeas 98 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved April 16, 2021 10:55 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5325** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 16, 2021

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5325

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Muzzall, Cleveland, Dozier, Frockt, Keiser, Randall, Rivers, and Robinson)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to telemedicine; and amending RCW 71.24.335.

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

3 **Sec. 1.** RCW 71.24.335 and 2019 c 325 s 1019 are each amended to
4 read as follows:

5 (1) Upon initiation or renewal of a contract with the authority,
6 behavioral health administrative services organizations and managed
7 care organizations shall reimburse a provider for a behavioral health
8 service provided to a covered person (~~who is under eighteen years~~
9 ~~old~~) through telemedicine or store and forward technology if:

10 (a) The behavioral health administrative services organization or
11 managed care organization in which the covered person is enrolled
12 provides coverage of the behavioral health service when provided in
13 person by the provider; and

14 (b) The behavioral health service is medically necessary.

15 (2)(a) If the service is provided through store and forward
16 technology there must be an associated visit between the covered
17 person and the referring provider. Nothing in this section prohibits
18 the use of telemedicine for the associated office visit.

19 (b) For purposes of this section, reimbursement of store and
20 forward technology is available only for those services specified in
21 the negotiated agreement between the behavioral health administrative

1 services organization, or managed care organization, and the
2 provider.

3 (3) An originating site for a telemedicine behavioral health
4 service subject to subsection (1) of this section means an
5 originating site as defined in rule by the department or the health
6 care authority.

7 (4) Any originating site, other than a home, under subsection (3)
8 of this section may charge a facility fee for infrastructure and
9 preparation of the patient. Reimbursement must be subject to a
10 negotiated agreement between the originating site and the behavioral
11 health administrative services organization, or managed care
12 organization, as applicable. A distant site or any other site not
13 identified in subsection (3) of this section may not charge a
14 facility fee.

15 (5) Behavioral health administrative services organizations and
16 managed care organizations may not distinguish between originating
17 sites that are rural and urban in providing the coverage required in
18 subsection (1) of this section.

19 (6) Behavioral health administrative services organizations and
20 managed care organizations may subject coverage of a telemedicine or
21 store and forward technology behavioral health service under
22 subsection (1) of this section to all terms and conditions of the
23 behavioral health administrative services organization or managed
24 care organization in which the covered person is enrolled, including,
25 but not limited to, utilization review, prior authorization,
26 deductible, copayment, or coinsurance requirements that are
27 applicable to coverage of a comparable behavioral health care service
28 provided in person.

29 (7) This section does not require a behavioral health
30 administrative services organization or a managed care organization
31 to reimburse:

32 (a) An originating site for professional fees;

33 (b) A provider for a behavioral health service that is not a
34 covered benefit; or

35 (c) An originating site or provider when the site or provider is
36 not a contracted provider.

37 (8) For purposes of this section:

38 (a) "Distant site" means the site at which a physician or other
39 licensed provider, delivering a professional service, is physically
40 located at the time the service is provided through telemedicine;

1 (b) "Hospital" means a facility licensed under chapter 70.41,
2 71.12, or 72.23 RCW;
3 (c) "Originating site" means the physical location of a patient
4 receiving behavioral health services through telemedicine;
5 (d) "Provider" has the same meaning as in RCW 48.43.005;
6 (e) "Store and forward technology" means use of an asynchronous
7 transmission of a covered person's medical or behavioral health
8 information from an originating site to the provider at a distant
9 site which results in medical or behavioral health diagnosis and
10 management of the covered person, and does not include the use of
11 audio-only telephone, facsimile, or email; and
12 (f) "Telemedicine" means the delivery of health care or
13 behavioral health services through the use of interactive audio and
14 video technology, permitting real-time communication between the
15 patient at the originating site and the provider, for the purpose of
16 diagnosis, consultation, or treatment. For purposes of this section
17 only, "telemedicine" does not include the use of audio-only
18 telephone, facsimile, or email.
19 (9) The authority must adopt rules as necessary to implement the
20 provisions of this section.

Passed by the Senate February 26, 2021.
Passed by the House April 6, 2021.
Approved by the Governor April 16, 2021.
Filed in Office of Secretary of State April 16, 2021.

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