

HOUSE BILL REPORT

SB 5036

As Passed House:
March 20, 2023

Title: An act relating to extending the time frame in which real-time telemedicine using both audio and video technology may be used to establish a relationship for the purpose of providing audio-only telemedicine for certain health care services.

Brief Description: Concerning telemedicine.

Sponsors: Senators Muzzall, Holy, Van De Wege and Warnick.

Brief History:

Committee Activity:

Health Care & Wellness: 2/28/23, 3/10/23 [DP].

Floor Activity:

Passed House: 3/20/23, 96-0.

Brief Summary of Bill

- Extends by six months the date by which an interactive remote appointment between a patient and a health care provider may substitute for an in-person appointment for the purposes of reimbursement to a health care provider using audio-only telemedicine.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 17 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard, Bronoske, Davis, Graham, Harris, Macri, Maycumber, Mosbrucker, Orwall, Simmons, Stonier, Thai and Tharinger.

Staff: Christopher Blake (786-7392).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Health coverage offered by a health carrier, the Public Employees Benefits Board, the School Employees Benefits Board, a Medicaid managed care plan, or a behavioral health administrative services organization must reimburse providers for health care services provided through telemedicine or store-and-forward technology if:

- the health care services are covered services;
- the health care services are medically necessary;
- the health care services are essential health benefits under the federal Patient Protection and Affordable Care Act;
- the health care services are determined to be safely and effectively provided through telemedicine or store-and-forward technology; and
- the technology meets state and federal standards governing the privacy and security of protected health information.

In addition, if the health care service is provided through audio-only telemedicine, the health care provider must have an established relationship with the patient. For essential health benefits, other than those categorized as mental health and substance use disorder services, an established relationship exists if the patient has had, within the previous two years, an in-person appointment or, until January 1, 2024, a real-time interactive appointment using both audio and visual technology with the health care provider providing the health care services through audio-only telemedicine. Alternatively, the in-person or audio-visual appointment may have been with either a health care provider in the same medical group, clinic, or integrated delivery system as the health care provider providing the health care services through audio-only telemedicine or with a health care provider referring the patient to the health care provider providing the health care services through audio-only telemedicine.

Summary of Bill:

The date by which an interactive appointment using audio and visual technology may substitute for an in-person appointment for the purposes of creating an established relationship between a patient and a health care provider using audio-only telemedicine is extended from January 1, 2024, to July 1, 2024. The extension also applies to appointments between the patient and a health care provider referring the patient to another health care provider for services through audio-only technology, as well as other health care providers in the same medical group, clinic, or integrated delivery system. The extension applies to health coverage for services other than mental health or substance use disorder services offered by a health carrier, the Public Employees Benefits Board, the School Employees Benefits Board, or a Medicaid managed care plan.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This extension will allow the Legislature to consider information from a University of Washington study that is currently being conducted. While telehealth is not a substitute for in-person care, it is a tool that provides greater access to critical care, especially for patients in rural areas or disadvantaged communities, people with mobility issues and transportation challenges, or persons who do not have a primary care physician. This bill is important for the extension that it provides to patients who access care through audio-only telehealth.

(Opposed) None.

Persons Testifying: Senator Ron Muzzall, prime sponsor; Carrie Tellefson, Teladoc Health; Clark Hansen, Amyotrophic Lateral Sclerosis Association; and Sean Graham, Washington State Medical Association.

Persons Signed In To Testify But Not Testifying: None.