
Health Care & Wellness Committee

SB 5821

Brief Description: Establishing a uniform standard for creating an established relationship for the purposes of coverage of audio-only telemedicine services.

Sponsors: Senators Muzzall, Randall, Kuderer and Rivers.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Applies the definition of "established relationship" for behavioral health services delivered via audio-only telemedicine to all covered services delivered via audio-only telemedicine.
--

Hearing Date: 2/16/24

Staff: Jim Morishima (786-7191).

Background:

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

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

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.

Additional requirements apply for audio-only telemedicine. For example, the provider must have an established relationship with the patient. There are separate definitions of "established relationship" for behavioral health services and other covered services.

For behavioral health services, the covered person must, within the past three years, have had either:

- at least one in-person appointment with the provider or with a provider at the same medical group, clinic, or integrated delivery system; or
- at least one in-person appointment with the provider who referred the covered person to the provider furnishing the audio-only telemedicine services. The referring provider must provide relevant medical information to the provider furnishing audio-only telemedicine.

For all other services, the covered person must, within the last two years, have had either:

- at least one in-person appointment with the provider or with a provider at the same medical group, clinic, or integrated delivery system; or
- at least one in-person appointment with the provider who referred the covered person to the provider furnishing the audio-only telemedicine services. The referring provider must provide relevant medical information to the provider furnishing audio-only telemedicine.

For non-behavioral health services, the previous appointment may be through audio-video telemedicine until July 1, 2024.

Summary of Bill:

The definition of "established relationship" for behavioral health services provided via audio-only telemedicine is made applicable to all covered services. The alternate definition for other services is eliminated.

Appropriation: None.

Fiscal Note: Available.

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