

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1038

Introduced by

Legislative Management

(Health Care Reform Review Committee)

1 A BILL for an Act to create and enact section 54-52.1-04.13 of the North Dakota Century Code,
2 relating to public employees retirement system uniform group insurance coverage of
3 ~~telemedicine~~telehealth; to require a report regarding coverage of ~~telemedicine~~telehealth; and to
4 provide an expiration date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Section 54-52.1-04.13 of the North Dakota Century Code is created and
7 enacted as follows:

8 **54-52.1-04.13. Insurance coverage of ~~telemedicine~~telehealth services.**

9 1. As used in this section:

- 10 a. "Distant site" means a site at which a health care provider or health care facility is
11 located while providing medical services by means of ~~telemedicine~~telehealth.
- 12 b. "Health care facility" means any office or institution at which ~~medical~~health
13 services are provided. The term includes hospitals; clinics; ambulatory surgery
14 centers; outpatient care facilities; nursing homes; nursing, basic, long-term, or
15 assisted living facilities; laboratories; and offices of any health care provider.
- 16 c. "Health care provider" includes an individual licensed under chapter 43-05,
17 43-06, 43-12.1 as a registered nurse or as an advanced practice registered
18 nurse, 43-13, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42,
19 43-44, 43-45, 43-47, 43-58, or 43-60.
- 20 d. "Originating site" means a site at which a patient is located at the time
21 ~~medical~~health services are provided to the patient by means of
22 ~~telemedicine~~telehealth.

1 e. "Policy" means **medicalhealth** benefits coverage under a contract for insurance
2 pursuant to section 54-52.1-04 or under a self-insurance plan pursuant to section
3 54-52.1-04.2.

4 f. "Store-and-forward technology" means electronic information, imaging, and
5 communication that is transferred, recorded, or otherwise stored in order to be
6 reviewed at a distant site at a later date by a health care provider or health care
7 facility without the patient present in real time. The term includes telehome
8 monitoring and interactive audio, video, and data communication.

9 g. "**TelemedicineTelehealth**":

10 (1) Means the use of interactive audio, video, or other telecommunications
11 technology that is used by a health care provider or health care facility at a
12 distant site to deliver **medicalhealth** services at an originating site; and that
13 is delivered over a secure connection that complies with the requirements of
14 state and federal laws.

15 (2) Includes the use of electronic media for consultation relating to the health
16 care diagnosis or treatment of a patient in real time or through the use of
17 store-and-forward technology.

18 (3) Does not include the use of audio-only telephone, email, or facsimile
19 transmissions.

20 2. For all policies that become effective after June 30, 2015, and which do not extend
21 past June 30, 2017, the board shall provide **medicalhealth** benefits coverage under a
22 policy that provides coverage for **medicalhealth** services delivered by means of
23 **telemedicine**telehealth**** which is the same as the coverage for **medicalhealth** services
24 delivered by in-person means.

25 3. Payment or reimbursement of expenses for covered **medicalhealth** services delivered
26 by means of **telemedicine**telehealth**** under this section may be established through
27 negotiations conducted by the board or the board's contractor with the **medicalhealth**
28 services providers in the same manner as the board establishes payment or
29 reimbursement of expenses for covered **medicalhealth** services that are delivered by
30 in-person means.

- 1 4. Coverage under this section may be subject to deductible, coinsurance, and
2 copayment provisions.
- 3 5. This section does not require:
- 4 a. A policy to provide coverage for ~~medical~~health services that are not medically
5 necessary, subject to the terms and conditions of the policy;
- 6 b. A policy to provide coverage for ~~medical~~health services delivered by means of
7 telemedicine~~tele~~health if the policy would not provide coverage for the
8 ~~medical~~health services if delivered by in-person means;
- 9 c. A policy to reimburse a health care provider or health care facility for expenses
10 for ~~medical~~health services delivered by means of telemedicine~~tele~~health if the
11 policy would not reimburse that health care provider or health care facility if the
12 ~~medical~~health services had been delivered by in-person means; or
- 13 d. A health care provider to be physically present with a patient at the originating
14 site unless the health care provider who is delivering ~~medical~~health services by
15 means of telemedicine~~tele~~health determines the presence of a health care
16 provider is necessary.

17 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF**
18 **~~TELEMEDICINE~~TELEHEALTH SERVICES.** Pursuant to section 54-03-28, the public
19 employees retirement system shall prepare and submit for introduction a bill to the sixty-fifth
20 legislative assembly to repeal the expiration date for section 1 of this Act and to extend the
21 coverage of ~~telemedicine~~telehealth services to apply to all group and individual health insurance
22 policies. The public employees retirement system shall append to the bill a report regarding the
23 effect of the ~~telemedicine~~telehealth coverage requirement on the system's health insurance
24 programs, information on the utilization and costs relating to the coverage, and a
25 recommendation regarding whether the coverage should continue.

26 **SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2017,
27 and after that date is ineffective.