

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2179**

Introduced by

Senators Lee, Anderson, K. Roers

Representatives Dobervich, Westlind

1 A BILL for an Act to create and enact section 26.1-36-09.17 of the North Dakota Century Code,
2 relating to a telehealth reimbursement parity pilot project; to provide for a legislative
3 management study; and to provide an expiration date.

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

5 **SECTION 1.** Section 26.1-36-09.17 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Telehealth reimbursement parity - Pilot project.**

- 8 1. Notwithstanding contrary provisions in section 26.1-36-09.15, there is created a
9 telehealth reimbursement parity pilot project.
- 10 2. As used in this section, "telehealth" includes audio-only telephone if no other means of
11 communications technology is available to the patient, including a lack of adequate
12 broadband access, or the other means of communications technology is infeasible,
13 impractical, or otherwise not medically advisable, as determined by the health care
14 provider or health care facility providing telehealth services to the patient or as
15 determined by another health care provider or health care facility with an existing
16 relationship to the patient.
- 17 3. Under the pilot program, payment or reimbursement of expenses for covered services
18 delivered by means of telehealth under this section may not be less than the
19 reimbursement of expenses for covered services that are delivered by in-person
20 means.
- 21 4. Under the pilot program, any deductible, copayment, or cost-sharing included for
22 services delivered by telehealth must be limited to an amount that does not exceed,
23 and is not in addition to, the amount that would apply if the service was delivered by
24 in-person means.

1 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - TELEHEALTH COVERAGE.** During
2 the 2021-22 interim, the legislative management shall study telehealth costs, services, and
3 reimbursement options. The study should include input from stakeholders, such as providers,
4 payors, and the insurance department. A goal of the study is to encourage providers and payors
5 to collaborate to find a mutually agreeable telehealth reimbursement structure. The study may
6 begin with a focus on behavioral health provided via telehealth. The legislative management
7 shall report its finding and recommendations, together with any legislation required to
8 implement the recommendations, to the sixty-eighth legislative assembly.

9 **SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2023,
10 and after that date is ineffective.