

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Promote Telehealth

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3173-H, as enacted by PL 2017, c. 307, §2, is amended to read:

§ 3173-H. Services delivered through telehealth

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounters" means the interaction or consultation between a patient and a ~~health professional~~the patient's provider or between health professionals regarding the patient through a system with the ability to store digital information, including, but not limited to, still images, video, audio and text files, and other relevant data in one location and subsequently transmit such information for interpretation at a remote site by health professionals without requiring the simultaneous presence of the patient or the ~~patient's provider~~health professionals.

A-1. "Health professional" means a provider or an individual, facility or organization with whom a provider consults in order to provide care to a patient.

A-2. "Patient" means a MaineCare member.

A-3. "Provider" means an individual, a facility or an organization that provides services under the MaineCare program.

B. "Store and forward transfers" means transmission of a patient's recorded health history through a secure electronic system to a ~~provider~~health professional.

C. "Synchronous encounters" means a real-time interaction conducted with interactive audio or video connection between a patient and the patient's provider or between ~~providers~~health professionals regarding the patient.

D. "Telehealth," as it pertains to the delivery of ~~health-care~~MaineCare services, means the use of interactive ~~real-time~~ visual and audio or other electronic media for the purpose of consultation and education concerning and diagnosis, treatment, care management and self-management of a patient's physical and mental health and includes real-time interaction between the patient and the ~~telehealth~~patient's provider, electronic consultation between health professionals regarding the patient, synchronous encounters, asynchronous encounters, store and forward transfers and remote patient monitoring. "Telehealth" includes telephonic services when interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service.

E. "Telemonitoring," as it pertains to the delivery of ~~health-care~~ MaineCare services, means the use of information technology to remotely monitor a patient's health status via electronic means through the use of clinical data while the patient remains in a residential setting, allowing the provider to track the patient's health data over time. Telemonitoring may or may not take place in real time.

2. Grants. The department may solicit, apply for and receive grants that support the development of the technology infrastructure necessary to support the delivery of ~~health-care~~ MaineCare services through telehealth and that support access to equipment, technical support and education related to telehealth for ~~health-care~~ providers.

3. Annual report. Beginning January 1, 2018 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the use of telehealth in the MaineCare program, including the number of ~~telehealth and telemonitoring~~ providers providing telehealth and telemonitoring services, the number of patients served by telehealth and telemonitoring services and a summary of grants applied for and received related to telehealth and telemonitoring.

4. Education. The department shall conduct educational outreach to providers and MaineCare members on telehealth and telemonitoring services.

5. Rules. The department shall adopt routine technical rules as defined by Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section. Rules adopted by the department:

A. May not include any requirement that a patient have a certain number of emergency room visits or hospitalizations related to the patient's diagnosis in the criteria for a patient's eligibility for telemonitoring services;

B. ~~Must~~ Except as provided in paragraph E, must include qualifying criteria for a patient's eligibility for telemonitoring services that include documentation in a patient's medical record that the patient is at risk of hospitalization or admission to an emergency room;

C. Must provide that group therapy for behavioral health or addiction services covered by the MaineCare program may be delivered through telehealth; ~~and~~

D. Must include requirements for ~~individual providers and the facility or organization in which the provider works for~~ providing telehealth and telemonitoring services; ~~and~~

E. Must allow at least some portion of case management services covered by the MaineCare program to be delivered through telehealth, without requiring qualifying criteria regarding a patient's risk of hospitalization or admission to an emergency room.

Sec. 2. 24-A MRSA §4316, sub-§1, ¶A-1 is enacted to read:

A-1. "Asynchronous encounters" means the interaction or consultation between an enrollee and a telehealth provider or between health professionals regarding the enrollee through a system with the ability to store digital information, including, but not limited to, still images, video, audio and

text files, and other relevant data in one location and subsequently transmit such information for interpretation at a remote site by health professionals without requiring the simultaneous presence of the enrollee or the health professionals.

Sec. 3. 24-A MRSA §4316, sub-§1, ¶B-1 is enacted to read:

B-1. "Synchronous encounters" means a real-time interaction conducted with interactive audio or video connection between an enrollee and a telehealth provider or between health professionals regarding the enrollee.

Sec. 4. Department of Health and Human Services to reimburse targeted case management services delivered through telehealth. The Department of Health and Human Services shall, no later than September 30, 2020, amend its rule Chapter 101: MaineCare Benefits Manual, Chapter I, Section 4, Telehealth and Chapter 101: MaineCare Benefits Manual, Chapter II, Section 13, Targeted Case Management Services to provide for reimbursement of case management services delivered through telehealth to targeted populations.

SUMMARY

This bill directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter I, Section 4, Telehealth and Chapter 101: MaineCare Benefits Manual, Chapter II, Section 13, Targeted Case Management Services to provide for reimbursement of case management services delivered through telehealth to targeted populations. The bill makes other changes necessary for the delivery of telehealth services to be expanded to include case management services.

The bill clarifies that telehealth services reimbursable under a health plan or the MaineCare program include consultation between health professionals regarding a patient, whether the consultation occurs in real time or asynchronously.