

1 ENGROSSED HOUSE
2 BILL NO. 1893

By: Ownbey of the House

and

Simpson of the Senate

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7 [health insurance - enacting the Remote Patient
8 Monitoring Reimbursement Act - effective date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 6550 of Title 36, unless there
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma Remote
16 Patient Monitoring Reimbursement Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6550.1 of Title 36, unless there
19 is created a duplication in numbering, reads as follows:

20 As used in the Oklahoma Remote Patient Monitoring Reimbursement
21 Act:

22 1. "Employee benefit plan" means any plan, fund or program
23 established or maintained by an employer or by an employee
24 organization, or both, to the extent that such plan, fund or program

1 was established or is maintained for the purpose of providing
2 medical, surgical and hospital care or other benefits for
3 participants or their beneficiaries;

4 2. "Health insurance plan" means any health insurance policy or
5 health benefit plan offered by a health insurer and includes the
6 State and Education Employees Health Insurance Plan and any other
7 public health care assistance program offered or administered by the
8 state or any political subdivision or instrumentality of the state.
9 The term does not include policies or plans providing coverage for
10 specified disease or other limited benefit coverage;

11 3. "Health insurer" means any health insurance company,
12 nonprofit hospital and medical service corporation, health
13 maintenance organization, preferred provider organization, managed
14 care organization, pharmacy benefit manager and, to the extent
15 permitted under federal law, any administrator of an insured, self-
16 insured or publicly funded health care benefit plan offered by
17 public and private entities and other parties that are by statute,
18 contract or agreement legally responsible for payment of a claim for
19 health care items or services;

20 4. "Health care provider" means a person licensed, certified or
21 otherwise authorized by the laws of this state to provide health
22 care or related services in this state;

23 5. "Telemedicine" means the practice of health care delivery,
24 diagnosis, consultation and treatment, including, but not limited

1 to, transfer of medical data or exchange of medical education
2 information by means of audio, video or data communications.
3 Telemedicine is not a consultation provided by telephone or
4 facsimile machine;

5 6. "Home" means the permanent place of residence of the client.
6 If the client resides in a licensed facility, services provided by
7 the facility shall not be duplicated;

8 7. "Remote patient monitoring services" means the delivery of
9 health services using telecommunications technology to enhance the
10 delivery of health care in the home, including:

- 11 a. monitoring of clinical patient data such as weight,
12 blood pressure, pulse, pulse oximetry, blood glucose
13 and other condition-specific data,
- 14 b. medication adherence monitoring, and
- 15 c. interactive video conferencing with or without digital
16 image upload; and

17 8. "Medication adherence management services" means the
18 monitoring of a patient's conformance with the health care
19 provider's medication plan with respect to timing, dosing and
20 frequency of medication-taking through electronic transmission of
21 data.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 6550.2 of Title 36, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Remote patient monitoring services shall be designed to
2 allow more individuals to remain at home or in other residential
3 settings and to improve the quality of their care and prevent more
4 costly care. In addition, remote patient monitoring services shall
5 coordinate primary, acute, behavioral and long-term social service
6 needs.

7 B. To qualify for remote patient monitoring services, an
8 individual shall have been diagnosed within the last eighteen (18)
9 months with one or more chronic conditions, as defined by the
10 Centers for Medicare and Medicaid Services, or have been discharged
11 from acute care.

12 C. The telemonitoring equipment used to implement the Oklahoma
13 Remote Patient Monitoring Reimbursement Act shall be capable of
14 monitoring any data parameters in the patient's plan of care, be an
15 FDA Class II medical device and comply with applicable health care
16 privacy standards and laws.

17 D. Duplication of monitoring of patient data by multiple
18 providers shall not be double-billed or double-reimbursed.

19 E. To receive reimbursement for the delivery of remote patient
20 monitoring services via telemedicine, the service shall include an
21 evaluation of the patient's condition based on the telemedicine
22 encounter that may indicate the need for a change in the plan of
23 care.

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1 F. All health insurance and employee benefit plans in this
2 state shall provide coverage and reimbursement for remote patient
3 monitoring services to the same extent as all other services
4 delivered through telemedicine. Telemedicine services shall be
5 reimbursed to the same extent that the services would be covered if
6 the care had been delivered by the health care provider in person
7 with the patient.

8 G. A health insurance or employee benefit plan may charge a
9 deductible, copayment or coinsurance for a health care service
10 provided through remote patient monitoring services, provided it
11 does not exceed the deductible, copayment or coinsurance that would
12 have applied if the care had been delivered by the health care
13 provider in person with the patient.

14 H. The health care provider that provides remote monitoring
15 shall have protocols in place to provide such services and shall
16 comply with the licensure requirements of their profession prior to
17 engaging in telemedicine in Oklahoma. Further, any individual
18 seeking licensure in this state for the purpose of engaging in
19 telemedicine shall be deemed by the appropriate licensing board to
20 be a legal resident of the United States pursuant to 8 U.S.C.,
21 Section 1621.

22 I. The Oklahoma Insurance Department shall promulgate rules to
23 implement the provisions of the Oklahoma Remote Patient Monitoring
24 Reimbursement Act relating to insurers.

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J. The Oklahoma Health Care Authority shall promulgate rules to implement the provisions of the Oklahoma Remote Patient Monitoring Reimbursement Act relating to Medicaid.

SECTION 4. This act shall become effective November 1, 2017.

Passed the House of Representatives the 20th day of March, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2017.

Presiding Officer of the Senate