

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1893

By: Ownbey of the House

and

Simpson of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to health insurance; enacting the
12 Oklahoma Remote Patient Monitoring Reimbursement Act;
13 defining terms; providing role of remote patient
14 monitoring services; establishing eligibility
15 criteria for reimbursement of services; requiring
16 health insurers to provide coverage and reimbursement
17 for services; directing Oklahoma Insurance Department
18 to promulgate certain rules; directing Oklahoma
19 Health Care Authority to promulgate certain rules;
20 providing for codification; and providing an
21 effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

4 As used in the Oklahoma Remote Patient Monitoring Reimbursement
5 Act:

6 1. "Employee benefit plan" means any plan, fund or program
7 established or maintained by an employer or by an employee
8 organization, or both, to the extent that such plan, fund or program
9 was established or is maintained for the purpose of providing
10 medical, surgical, hospital care or other benefits for participants
11 or their beneficiaries;

12 2. "Health insurance plan" means any health insurance policy or
13 health benefit plan offered by a health insurer and includes the
14 State and Education Employees Health Insurance Plan and any other
15 public health care assistance program offered or administered by the
16 state or any political subdivision or instrumentality of the state.
17 The term does not include policies or plans providing coverage for
18 specified disease or other limited benefit coverage;

19 3. "Health insurer" means any health insurance company,
20 nonprofit hospital and medical service corporation, health
21 maintenance organization, preferred provider organization, managed
22 care organization, pharmacy benefit manager and, to the extent
23 permitted under federal law, any administrator of an insured, self-
24 insured or publicly funded health care benefit plan offered by

1 public and private entities and other parties that are by statute,
2 contract or agreement legally responsible for payment of a claim for
3 health care item or service;

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

7 5. "Telemedicine" means the practice of health care delivery,
8 diagnosis, consultation, treatment, including, but not limited to,
9 transfer of medical data or exchange of medical education
10 information by means of audio, video or data communications.
11 Telemedicine is not a consultation provided by telephone or
12 facsimile machine;

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

16 7. "Remote patient monitoring services" means the delivery of
17 health services using telecommunications technology to enhance the
18 delivery of health care in the home, including:

- 19 a. monitoring of clinical patient data such as weight,
20 blood pressure, pulse, pulse oximetry, blood glucose
21 and other condition-specific data,
- 22 b. medication adherence monitoring, and
- 23 c. interactive video conferencing with or without digital
24 image upload; and

1 8. "Medication adherence management services" means the
2 monitoring of a patient's conformance with the health care
3 provider's medication plan with respect to timing, dosing and
4 frequency of medication-taking through electronic transmission of
5 data.

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

9 A. Remote patient monitoring services shall be designed to
10 allow more individuals to remain at home or in other residential
11 settings and to improve the quality of their care and prevent more
12 costly care. In addition, remote patient monitoring services shall
13 coordinate primary, acute, behavioral and long-term social service
14 needs.

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

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

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

3 E. To receive reimbursement for the delivery of remote patient
4 monitoring services via telemedicine, the service shall include an
5 evaluation of the patient's condition based on the telemedicine
6 encounter that may indicate the need for a change in the plan of
7 care.

8 F. All health insurance and employee benefit plans in this
9 state shall provide coverage and reimbursement for remote patient
10 monitoring services to the same extent as all other services
11 delivered through telemedicine. Telemedicine services shall be
12 reimbursed to the same extent that the services would be covered if
13 the care had been delivered by the health care provider in person
14 with the patient.

15 G. A health insurance or employee benefit plan may charge a
16 deductible, copayment or coinsurance for a health care service
17 provided through remote patient monitoring services, provided it
18 does not exceed the deductible, copayment or coinsurance that would
19 have applied if the care had been delivered by the health care
20 provider in person with the patient.

21 H. The health care provider that provides remote monitoring
22 shall have protocols in place to provide such services and shall
23 comply with the licensure requirements of their profession prior to
24 engaging in telemedicine in Oklahoma. Further, any individual

1 seeking licensure in this state for the purpose of engaging in
2 telemedicine shall be deemed by the appropriate licensing board to
3 be a legal resident of the United States pursuant to 8 U.S.C.,
4 Section 1621.

5 I. The Oklahoma Insurance Department shall promulgate rules to
6 implement the provisions of the Oklahoma Remote Patient Monitoring
7 Reimbursement Act relating to insurers.

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 02/23/2017 - DO
14 PASS, As Amended and Coauthored.