

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1893

By: Ownbey

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5
6 AS INTRODUCED

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

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

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

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

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

1 As used in the Oklahoma Remote Patient Monitoring Reimbursement
2 Act:

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

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

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

1 4. "Licensee" means a person licensed to provide health care or
2 related services in this state, or an employee or agent of the
3 licensee;

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

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

13 7. "Remote patient monitoring services" means the delivery of
14 home health services using telecommunications technology to enhance
15 the delivery of home health care, including:

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

22 8. "Medication adherence management services" means the
23 monitoring of a patient's conformance with the clinician's
24 medication plan with respect to timing, dosing and frequency of

1 medication-taking through electronic transmission of data in a home
2 telemonitoring program.

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

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

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

17 C. The telemonitoring equipment used to implement the Oklahoma
18 Remote Patient Monitoring Reimbursement Act shall be capable of
19 monitoring any data parameters in the patient's plan of care and be
20 an FDA Class II hospital-grade medical device.

21 D. Monitoring of patient data shall not be duplicated by
22 multiple providers.

23 E. To receive reimbursement for the delivery of remote patient
24 monitoring services via telemedicine, the service shall include an

1 evaluation of the patient's condition based on the telemedicine
2 encounter that may indicate the need for a change in the plan of
3 care.

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

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

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

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1 I. The Oklahoma Insurance Department shall promulgate rules to
2 implement the provisions of the Oklahoma Remote Patient Monitoring
3 Reimbursement Act relating to insurers.

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

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

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