

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 1963

By: Newton of the House

5 and

6 **Jech** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to telemedicine; providing
11 definitions; providing health care coverage for
12 certain telemedicine visits when the health care
13 provider is outside of Oklahoma; providing
14 requirements; authorizing the practice of medicine by
15 physicians outside of Oklahoma by telemedicine in
16 certain situations; providing for codification; and
17 providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 6805 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in this act:

23 1. "Entity" means any institution, place, building or agency,
24 public or private, whether organized for profit or not, primarily
 engaged in the maintenance and operation of facilities for the

1 diagnosis, treatment or care of patients to obtain medical care,
2 surgical care, obstetrical care, or nursing care for illness,
3 disease, injury, infirmity, or deformity;

4 2. "Gross patient revenue" means the total charges at a
5 hospital's full established rates for the provision of patient care
6 services and includes charges related to hospital-based physician
7 professional services;

8 3. a. "Health benefits plan" means any plan or arrangement
9 that:

10 (1) provides benefits for medical or surgical
11 expenses incurred as a result of a health
12 condition, accident or illness, and

13 (2) is offered by any insurance company, group
14 hospital service corporation or health
15 maintenance organization that delivers or issues
16 for delivery an individual, group, blanket or
17 franchise insurance policy or insurance
18 agreement, a group hospital service contract or
19 an evidence of coverage, or, to the extent
20 permitted by the Employee Retirement Income
21 Security Act of 1974, 29 U.S.C., Section 1001 et
22 seq., by a multiple employer welfare arrangement
23 as defined in Section 3 of the Employee
24 Retirement Income Security Act of 1974, or any

1 other analogous benefit arrangement, whether the
2 payment is fixed or by indemnity,

3 b. Health benefits plan shall not include:

4 (1) a plan that provides coverage:

5 (a) only for a specified disease or diseases or
6 under an individual limited benefit policy,

7 (b) only for accidental death or dismemberment,

8 (c) only for dental or vision care,

9 (d) for a hospital confinement indemnity policy,

10 (e) for disability income insurance or a

11 combination of accident-only and disability
12 income insurance, or

13 (f) as a supplement to liability insurance,

14 (2) a Medicare supplemental policy as defined by

15 Section 1882(g)(1) of the Social Security Act (42
16 U.S.C., Section 1395ss),

17 (3) workers' compensation insurance coverage,

18 (4) medical payment insurance issued as part of a
19 motor vehicle insurance policy,

20 (5) a long-term care policy including a nursing home
21 fixed indemnity policy, unless a determination is
22 made that the policy provides benefit coverage so
23 comprehensive that the policy meets the
24 definition of a health benefits plan, or

(6) short-term health insurance issued on a nonrenewable basis with a duration of six (6) months or less;

4. "Insured" means a person whose health is covered by an insurance policy;

5. "Recommended physician" is the physician to whom a referral is made;

6. "Refer" means an action by a referring physician, who is licensed to practice medicine or osteopathy pursuant to the laws of this state, to a recommended physician and the recommended physician delivers medical or osteopathic care to an insured on the referring order of a referring physician;

7. "Referring physician" is a physician who makes a referral; and

8. "Telemedicine" means technology-enabled health and care management and delivery systems that extend capacity and access, which includes:

- a. synchronous mechanisms, which may include live audiovisual interaction between a patient and a health care professional or real-time provider to provider consultation through live interactive audiovisual means,
- b. asynchronous mechanisms, which include store and forward transfers, online exchange of health

1 information between a patient and a health care
2 professional and online exchange of health information
3 between health care professionals, but shall not
4 include the use of automated text messages or
5 automated mobile applications that serve as the sole
6 interaction between a patient and a health care
7 professional,

8 c. remote patient monitoring, and

9 d. other electronic means that support clinical health
10 care, professional consultation, patient and
11 professional health-related education, public health
12 and health administration.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6806 of Title 36, unless there
15 is created a duplication in numbering, reads as follows:

16 A. For the purpose of assuring telemedicine coverage with an
17 entity, physician, physician's assistant, advanced practice
18 registered nurse, registered nurse, or licensed practical nurse
19 outside of Oklahoma for treatment of Oklahoma patients at any
20 location with the State of Oklahoma, any health benefit plan that is
21 offered, issued, or renewed in this state by an insurer shall
22 provide coverage of health care services provided through
23 telemedicine provided that:

1 1. The entity's gross patient revenue is equal to or greater
2 than One Billion Dollars (\$1,000,000,000.00); and

3 2. An Oklahoma licensed physician referred the Oklahoma patient
4 to an entity or physician, physician's assistant, or advanced
5 practice registered nurse outside of Oklahoma state lines.

6 B. If a recommended physician located outside of Oklahoma is
7 referred by an Oklahoma licensed physician to treat an Oklahoma
8 patient, the recommended physician shall be authorized to practice
9 medicine whether or not the recommended physician is licensed by the
10 Oklahoma State Medical Board.

11 SECTION 3. This act shall become effective November 1, 2023.

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/16/2023 -
14 DO PASS, As Coauthored.