

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 171

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Stephen Easley

AN ACT

RELATING TO HEALTH CARE COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE FOR TELEMEDICINE SERVICES; PROVIDING FOR UTILIZATION REVIEW AND APPEAL RIGHTS FOR DENIALS OF TELEMEDICINE COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall include coverage of telemedicine services.

.191396.1

underscoring material = new  
~~[bracketed material] = delete~~

underscoring material = new  
~~[bracketed material] = delete~~

1           B. A determination by a group health plan that  
2 health care services delivered through the use of interactive  
3 audio, video or other telecommunications technology are not  
4 covered under the plan shall be subject to utilization review  
5 and administrative review of adverse utilization review  
6 decisions.

7           C. The provisions of this section shall not apply  
8 in the event that federal law requires the state to make  
9 payments on behalf of enrollees to cover the costs of  
10 implementing this section.

11           D. Nothing in this section shall require a health  
12 care provider to be physically present with a patient at the  
13 originating site unless the consulting telemedicine provider  
14 deems it necessary.

15           E. As used in this section:

16                 (1) "consulting telemedicine provider" means a  
17 health care provider that delivers telemedicine services from a  
18 location remote from an originating site;

19                 (2) "health care provider" means a person that  
20 is licensed, certified or otherwise authorized by law to  
21 deliver health care within the regular course of business and  
22 that is working within the person's scope of practice;

23                 (3) "in real time" means occurring  
24 simultaneously, instantaneously or within seconds of an event  
25 so that there is little or no noticeable delay between two or

.191396.1

underscored material = new  
[bracketed material] = delete

1 more events;

2 (4) "originating site" means a place at which  
3 a patient is physically located and receiving health care  
4 services via telemedicine;

5 (5) "store-and-forward technology" means  
6 electronic information, imaging and communication, including  
7 interactive audio, video and data communications, that is  
8 transferred or recorded or otherwise stored for asynchronous  
9 use; and

10 (6) "telemedicine" means the use of  
11 interactive audio, video or other telecommunications technology  
12 by a health care provider to deliver health care services at a  
13 site other than the site where the patient is located,  
14 including the use of electronic media for consultation relating  
15 to the health care diagnosis or treatment of the patient in  
16 real time or through the use of store-and-forward technology."

17 SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

20 A. An individual or group health insurance policy,  
21 health care plan or certificate of health insurance that is  
22 delivered, issued for delivery or renewed in this state shall  
23 include coverage of telemedicine services.

24 B. A determination by an insurer that health care  
25 services delivered through the use of interactive audio, video

.191396.1

underscoring material = new  
~~[bracketed material] = delete~~

1 or other telecommunications technology are not covered under  
2 the plan shall be subject to utilization review and appeal  
3 pursuant to Chapter 59A, Article 4 NMSA 1978.

4 C. The provisions of this section shall not apply  
5 in the event that federal law requires the state to make  
6 payments on behalf of enrollees to cover the costs of  
7 implementing this section.

8 D. Nothing in this section shall require a health  
9 care provider to be physically present with a patient at the  
10 originating site unless the consulting telemedicine provider  
11 deems it necessary.

12 E. As used in this section:

13 (1) "consulting telemedicine provider" means a  
14 health care provider that delivers telemedicine services from a  
15 location remote from an originating site;

16 (2) "health care provider" means a person that  
17 is licensed, certified or otherwise authorized by law to  
18 deliver health care within the regular course of business and  
19 that is working within the person's scope of practice;

20 (3) "in real time" means occurring  
21 simultaneously, instantaneously or within seconds of an event  
22 so that there is little or no noticeable delay between two or  
23 more events;

24 (4) "originating site" means a place at which  
25 a patient is physically located and receiving health care

.191396.1

underscored material = new  
[bracketed material] = delete

1 services via telemedicine;

2 (5) "store-and-forward technology" means  
3 electronic information, imaging and communication, including  
4 interactive audio, video and data communication, that is  
5 transferred or recorded or otherwise stored for asynchronous  
6 use; and

7 (6) "telemedicine" means the use of  
8 interactive audio, video or other telecommunications technology  
9 by a health care provider to deliver health care services at a  
10 site other than the site where the patient is located,  
11 including the use of electronic media for consultation relating  
12 to the health care diagnosis or treatment of the patient in  
13 real time or through the use of store-and-forward technology."

14 SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
15 1978 is enacted to read:

16 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

17 A. A blanket or group health insurance policy or  
18 contract that is delivered, issued for delivery or renewed in  
19 this state shall include coverage of telemedicine services.

20 B. A determination by an insurer that health care  
21 services delivered through the use of interactive audio, video  
22 or other telecommunications technology are not covered under  
23 the plan shall be subject to utilization review and appeal  
24 pursuant to Chapter 59A, Article 4 NMSA 1978.

25 C. The provisions of this section shall not apply

.191396.1

1 in the event that federal law requires the state to make  
2 payments on behalf of enrollees to cover the costs of  
3 implementing this section.

4 D. Nothing in this section shall require a health  
5 care provider to be physically present with a patient at the  
6 originating site unless the consulting telemedicine provider  
7 deems it necessary.

8 E. As used in this section:

9 (1) "consulting telemedicine provider" means a  
10 health care provider that delivers telemedicine services from a  
11 location remote from an originating site;

12 (2) "health care provider" means a person that  
13 is licensed, certified or otherwise authorized by law to  
14 deliver health care within the regular course of business and  
15 that is working within the person's scope of practice;

16 (3) "in real time" means occurring  
17 simultaneously, instantaneously or within seconds of an event  
18 so that there is little or no noticeable delay between two or  
19 more events;

20 (4) "originating site" means a place at which  
21 a patient is physically located and receiving health care  
22 services via telemedicine;

23 (5) "store-and-forward technology" means  
24 electronic information, imaging and communication, including  
25 interactive audio, video and data communication, that is

underscoring material = new  
[bracketed material] = delete

1 transferred or recorded or otherwise stored for asynchronous  
2 use; and

3 (6) "telemedicine" means the use of  
4 interactive audio, video or other telecommunications technology  
5 by a health care provider to deliver health care services at a  
6 site other than the site where the patient is located,  
7 including the use of electronic media for consultation relating  
8 to the health care diagnosis or treatment of the patient in  
9 real time or through the use of store-and-forward technology."

10 SECTION 4. A new section of the Health Maintenance  
11 Organization Law is enacted to read:

12 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

13 A. An individual or group health maintenance  
14 organization contract that is delivered, issued for delivery or  
15 renewed in this state shall include coverage of telemedicine  
16 services.

17 B. A determination by a health maintenance  
18 organization that health care services delivered through the  
19 use of interactive audio, video or other telecommunications  
20 technology are not covered under the plan shall be subject to  
21 utilization review and appeal pursuant to Chapter 59A, Article  
22 4 NMSA 1978.

23 C. The provisions of this section shall not apply  
24 in the event that federal law requires the state to make  
25 payments on behalf of enrollees to cover the costs of

.191396.1

underscoring material = new  
~~[bracketed material] = delete~~

1 implementing this section.

2 D. Nothing in this section shall require a health  
3 care provider to be physically present with a patient at the  
4 originating site unless the consulting telemedicine provider  
5 deems it necessary.

6 E. As used in this section:

7 (1) "consulting telemedicine provider" means a  
8 health care provider that delivers telemedicine services from a  
9 location remote from an originating site;

10 (2) "in real time" means occurring  
11 simultaneously, instantaneously or within seconds of an event  
12 so that there is little or no noticeable delay between two or  
13 more events;

14 (3) "originating site" means a place at which  
15 a patient is physically located and receiving health care  
16 services via telemedicine;

17 (4) "store-and-forward technology" means  
18 electronic information, imaging and communication, including  
19 interactive audio, video and data communication, that is  
20 transferred or recorded or otherwise stored for asynchronous  
21 use; and

22 (5) "telemedicine" means the use of  
23 interactive audio, video or other telecommunications technology  
24 by a health care provider to deliver health care services  
25 within that provider's scope of practice at a site other than

.191396.1



underscored material = new  
~~[bracketed material] = delete~~

1 the site where the patient is located, including the use of  
2 electronic media for consultation relating to the health care  
3 diagnosis or treatment of the patient in real time or through  
4 the use of store-and-forward technology."

5 SECTION 5. A new section of Chapter 59A, Article 47 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

8 A. An individual or group health insurance policy,  
9 health care plan or certificate of health insurance delivered  
10 or issued for delivery in this state shall include coverage of  
11 telemedicine services.

12 B. A determination by a nonprofit health plan that  
13 health care services delivered through the use of interactive  
14 audio, video or other telecommunications technology are not  
15 covered under the plan shall be subject to utilization review  
16 and appeal pursuant to Chapter 59A, Article 4 NMSA 1978.

17 C. The provisions of this section shall not apply  
18 in the event that federal law requires the state to make  
19 payments on behalf of enrollees to cover the costs of  
20 implementing this section.

21 D. Nothing in this section shall require a health  
22 care provider to be physically present with a patient at the  
23 originating site unless the consulting telemedicine provider  
24 deems it necessary.

25 E. As used in this section:

.191396.1

1 (1) "consulting telemedicine provider" means a  
2 health care provider that delivers telemedicine services from a  
3 location remote from an originating site;

4 (2) "health care provider" means a person that  
5 is licensed, certified or otherwise authorized by law to  
6 deliver health care within the regular course of business and  
7 that is working within the person's scope of practice;

8 (3) "in real time" means occurring  
9 simultaneously, instantaneously or within seconds of an event  
10 so that there is little or no noticeable delay between two or  
11 more events;

12 (4) "originating site" means a place at which  
13 a patient is physically located and receiving health care  
14 services via telemedicine;

15 (5) "store-and-forward technology" means  
16 electronic information, imaging and communication, including  
17 interactive audio, video and data communication, that is  
18 transferred or recorded or otherwise stored for asynchronous  
19 use; and

20 (6) "telemedicine" means the use of  
21 interactive audio, video or other telecommunications technology  
22 by a health care provider to deliver health care services at a  
23 site other than the site where the patient is located,  
24 including the use of electronic media for consultation relating  
25 to the health care diagnosis or treatment of the patient in

underscored material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

real time or through the use of store-and-forward technology."

- 11 -