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AN ACT

RELATING TO HEALTH CARE COVERAGE; AMENDING 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 PROHIBIT CERTAIN RESTRICTIONS ON AND ESTABLISH NEW REQUIREMENTS FOR COVERAGE OF SERVICES PROVIDED VIA TELEMEDICINE.

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

SECTION 1. Section 13-7-14 NMSA 1978 (being Laws 2013, Chapter 105, Section 1) is amended to read:

"13-7-14. 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 provide coverage for services provided via telemedicine to the same extent that the group health plan covers the same services when those services are provided via in-person consultation or contact. A group health plan shall not impose any unique condition for coverage of services provided via telemedicine.

B. A group health plan shall not impose an originating-site restriction with respect to telemedicine services or distinguish between telemedicine services provided to patients in rural locations and those provided to patients in urban locations; provided that the provisions of

1 this section shall not be construed to require coverage of an
2 otherwise noncovered benefit.

3 C. A determination by a group health plan that
4 health care services delivered through the use of
5 telemedicine are not covered under the plan shall be subject
6 to review and appeal pursuant to the Patient Protection Act.

7 D. 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 E. 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 F. A group health plan shall not limit coverage of
16 services delivered via telemedicine only to those health care
17 providers who are members of the group health plan provider
18 network where no in-network provider is available and
19 accessible, as availability and accessibility are defined in
20 network adequacy standards issued by the superintendent of
21 insurance.

22 G. A group health plan may charge a deductible,
23 copayment or coinsurance for a health care service delivered
24 via telemedicine if it does not exceed the deductible,
25 copayment or coinsurance applicable to a service delivered

1 via in-person consultation or contact.

2 H. A group health plan shall not impose any annual
3 or lifetime dollar maximum on coverage for services delivered
4 via telemedicine, other than an annual or lifetime dollar
5 maximum that applies in the aggregate to all items and
6 services covered under the group health plan, or impose upon
7 any person receiving benefits pursuant to this section any
8 copayment, coinsurance or deductible amounts, or any plan
9 year, calendar year, lifetime or other durational benefit
10 limitation or maximum for benefits or services, that is not
11 equally imposed upon all terms and services covered under the
12 group health plan.

13 I. A group health plan shall reimburse for health
14 care services delivered via telemedicine on the same basis
15 and at least the same rate that the group health plan
16 reimburses for comparable services delivered via in-person
17 consultation or contact.

18 J. Telemedicine used to provide clinical services
19 shall be encrypted and shall conform to state and federal
20 privacy laws.

21 K. The provisions of this section shall not apply
22 to group health coverage intended to supplement major medical
23 group-type coverage, such as medicare supplement, long-term
24 care, disability income, specified disease, accident-only,
25 hospital indemnity or any other limited-benefit health

1 insurance policy.

2 L. As used in this section:

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

6 (2) "health care provider" means a duly
7 licensed hospital or other licensed facility, physician or
8 other health care professional authorized to furnish health
9 care services within the scope of the professional's license;

10 (3) "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 (4) "originating site" means a place at
15 which a patient is physically located and receiving health
16 care services via telemedicine;

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

22 (6) "telemedicine" means the use of
23 telecommunications and information technology to provide
24 clinical health care at a site distinct from the patient.

25 "Telemedicine" allows health care professionals to evaluate,

1 diagnose and treat patients in remote locations using
2 telecommunications and information technology in real time or
3 asynchronously, including the use of interactive simultaneous
4 audio and video or store-and-forward technology, or remote
5 patient monitoring and telecommunications in order to deliver
6 health care services to a site where the patient is located,
7 along with the use of electronic media and health
8 information. "Telemedicine" allows patients in remote
9 locations to access medical expertise without travel."

10 SECTION 2. Section 59A-22-49.3 NMSA 1978 (being Laws
11 2013, Chapter 105, Section 2) is amended to read:

12 "59A-22-49.3. COVERAGE FOR TELEMEDICINE SERVICES.--

13 A. An individual or group health insurance policy,
14 health care plan or certificate of health insurance that is
15 delivered, issued for delivery or renewed in this state shall
16 provide coverage for services provided via telemedicine to
17 the same extent that the health insurance plan, policy or
18 contract covers the same services when those services are
19 provided via in-person consultation or contact. An insurer
20 shall not impose any unique condition for coverage of
21 services provided via telemedicine.

22 B. An insurer shall not impose an originating-site
23 restriction with respect to telemedicine services or
24 distinguish between telemedicine services provided to
25 patients in rural locations and those provided to patients in

1 urban locations; provided that the provisions of this section
2 shall not be construed to require coverage of an otherwise
3 noncovered benefit.

4 C. A determination by an insurer that health care
5 services delivered through the use of telemedicine are not
6 covered under the plan shall be subject to review and appeal
7 pursuant to the Patient Protection Act.

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

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

16 F. An insurer shall not limit coverage of services
17 delivered via telemedicine only to those health care
18 providers who are members of the health insurance plan,
19 policy or contract provider network where no in-network
20 provider is available and accessible, as availability and
21 accessibility are defined in network adequacy standards
22 issued by the superintendent.

23 G. An insurer may charge a deductible, copayment,
24 or coinsurance for a health care service delivered via
25 telemedicine if it does not exceed the deductible, copayment

1 or coinsurance applicable to a service delivered via
2 in-person consultation or contact.

3 H. An insurer shall not impose any annual or
4 lifetime dollar maximum on coverage for services delivered
5 via telemedicine, other than an annual or lifetime dollar
6 maximum that applies in the aggregate to all items and
7 services covered under the health insurance plan, policy or
8 contract, or impose upon any person receiving benefits
9 pursuant to this section any copayment, coinsurance or
10 deductible amounts, or any plan, policy or contract year,
11 calendar year, lifetime or other durational benefit
12 limitation or maximum for benefits or services, that is not
13 equally imposed upon all terms and services covered under the
14 health insurance plan, policy or contract.

15 I. An insurer shall reimburse for health care
16 services delivered via telemedicine on the same basis and at
17 least the same rate that the insurer reimburses for
18 comparable services delivered via in-person consultation or
19 contact.

20 J. Telemedicine used to provide clinical services
21 shall be encrypted and shall conform to state and federal
22 privacy laws.

23 K. The provisions of this section shall not apply
24 to an individual policy, plan or contract intended to
25 supplement major medical group-type coverage, such as

1 medicare supplement, long-term care, disability income,
2 specified disease, accident-only, hospital indemnity or any
3 other limited-benefit health insurance policy.

4 L. As used in this section:

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

8 (2) "health care provider" means a duly
9 licensed hospital or other licensed facility, physician or
10 other health care professional authorized to furnish health
11 care services within the scope of the professional's license;

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

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

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

24 (6) "telemedicine" means the use of
25 telecommunications and information technology to provide

1 clinical health care from a distance. "Telemedicine" allows
2 health care professionals to evaluate, diagnose and treat
3 patients in remote locations using telecommunications and
4 information technology in real time or asynchronously,
5 including the use of interactive simultaneous audio and video
6 or store-and-forward technology, or remote patient monitoring
7 and telecommunications in order to deliver health care
8 services to a site where the patient is located, along with
9 the use of electronic media and health information.

10 "Telemedicine" allows patients in remote locations to access
11 medical expertise without travel."

12 SECTION 3. Section 59A-23-7.12 NMSA 1978 (being Laws
13 2013, Chapter 105, Section 3) is amended to read:

14 "59A-23-7.12. COVERAGE FOR TELEMEDICINE SERVICES.--

15 A. A blanket or group health insurance policy or
16 contract that is delivered, issued for delivery or renewed in
17 this state shall provide coverage for services provided via
18 telemedicine to the same extent that the health insurance
19 plan, policy or contract covers the same services when those
20 services are provided via in-person consultation or contact.
21 An insurer shall not impose any unique condition for coverage
22 of services provided via telemedicine.

23 B. An insurer shall not impose an originating-site
24 restriction with respect to telemedicine services or
25 distinguish between telemedicine services provided to

1 patients in rural locations and those provided to patients in
2 urban locations; provided that the provisions of this section
3 shall not be construed to require coverage of an otherwise
4 noncovered benefit.

5 C. A determination by an insurer that health care
6 services delivered through the use of telemedicine are not
7 covered under the plan shall be subject to review and appeal
8 pursuant to the Patient Protection Act.

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

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

17 F. An insurer shall not limit coverage of services
18 delivered via telemedicine only to those health care
19 providers who are members of the health insurance plan,
20 policy or contract provider network where no in-network
21 provider is available and accessible, as availability and
22 accessibility are defined in network adequacy standards
23 issued by the superintendent.

24 G. An insurer may charge a deductible, copayment
25 or coinsurance for a health care service delivered via

1 telemedicine if it does not exceed the deductible, copayment
2 or coinsurance applicable to a service delivered via
3 in-person consultation or contact.

4 H. An insurer shall not impose any annual or
5 lifetime dollar maximum on coverage for services delivered
6 via telemedicine, other than an annual or lifetime dollar
7 maximum that applies in the aggregate to all items and
8 services covered under the health insurance plan, policy or
9 contract, or impose upon any person receiving benefits
10 pursuant to this section any copayment, coinsurance or
11 deductible amounts, or any plan, policy or contract year,
12 calendar year, lifetime or other durational benefit
13 limitation or maximum for benefits or services, that is not
14 equally imposed upon all terms and services covered under the
15 health insurance plan, policy or contract.

16 I. An insurer shall reimburse for health care
17 services delivered via telemedicine on the same basis and at
18 least the same rate that the insurer reimburses for
19 comparable services delivered via in-person consultation or
20 contact.

21 J. Telemedicine used to provide clinical services
22 shall be encrypted and shall conform to state and federal
23 privacy laws.

24 K. The provisions of this section shall not apply
25 to a group or blanket policy, plan or contract intended to

1 supplement major medical group-type coverage, such as
2 medicare supplement, long-term care, disability income,
3 specified disease, accident-only, hospital indemnity or any
4 other limited-benefit health insurance policy.

5 L. As used in this section:

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

9 (2) "health care provider" means a duly
10 licensed hospital or other licensed facility, physician or
11 other health care professional authorized to furnish health
12 care services within the scope of the professional's license;

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

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

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

25 (6) "telemedicine" means the use of

1 telecommunications and information technology to provide
2 clinical health care from a distance. "Telemedicine" allows
3 health care professionals to evaluate, diagnose and treat
4 patients in remote locations using telecommunications and
5 information technology in real time or asynchronously,
6 including the use of interactive simultaneous audio and video
7 or store-and-forward technology, or remote patient monitoring
8 and telecommunications in order to deliver health care
9 services to a site where the patient is located, along with
10 the use of electronic media and health information.

11 "Telemedicine" allows patients in remote locations to access
12 medical expertise without travel."

13 SECTION 4. Section 59A-46-50.3 NMSA 1978 (being Laws
14 2013, Chapter 105, Section 4) is amended to read:

15 "59A-46-50.3. COVERAGE FOR TELEMEDICINE SERVICES.--

16 A. An individual or group health maintenance
17 organization contract that is delivered, issued for delivery
18 or renewed in this state shall provide coverage for services
19 provided via telemedicine to the same extent that the
20 contract covers the same services when those services are
21 provided via in-person consultation or contact. A carrier
22 shall not impose any unique condition for coverage of
23 services provided via telemedicine.

24 B. A carrier shall not impose an originating-site
25 restriction with respect to telemedicine services or

1 distinguish between telemedicine services provided to
2 patients in rural locations and those provided to patients in
3 urban locations; provided that the provisions of this section
4 shall not be construed to require coverage of an otherwise
5 noncovered benefit.

6 C. A determination by a health maintenance
7 organization that health care services delivered through the
8 use of telemedicine are not covered under the plan shall be
9 subject to review and appeal pursuant to the Patient
10 Protection Act.

11 D. The provisions of this section shall not apply
12 in the event that federal law requires the state to make
13 payments on behalf of enrollees to cover the costs of
14 implementing this section.

15 E. Nothing in this section shall require a health
16 care provider to be physically present with a patient at the
17 originating site unless the consulting telemedicine provider
18 deems it necessary.

19 F. A carrier shall not limit coverage of services
20 delivered via telemedicine only to those health care
21 providers who are members of the health maintenance
22 organization contract provider network where no in-network
23 provider is available and accessible, as availability and
24 accessibility are defined in network adequacy standards
25 issued by the superintendent.

1 G. A carrier may charge a deductible, copayment or
2 coinsurance for a health care service delivered via
3 telemedicine if it does not exceed the deductible, copayment
4 or coinsurance applicable to a service delivered via
5 in-person consultation or contact.

6 H. A carrier shall not impose any annual or
7 lifetime dollar maximum on coverage for services delivered
8 via telemedicine, other than an annual or lifetime dollar
9 maximum that applies in the aggregate to all items and
10 services covered under the contract, or impose upon any
11 person receiving benefits pursuant to this section any
12 copayment, coinsurance or deductible amounts, or any contract
13 year, calendar year, lifetime or other durational benefit
14 limitation or maximum for benefits or services, that is not
15 equally imposed upon all terms and services covered under the
16 contract.

17 I. A carrier shall reimburse for health care
18 services delivered via telemedicine on the same basis and at
19 least the same rate that the carrier reimburses for
20 comparable services delivered via in-person consultation or
21 contact.

22 J. Telemedicine used to provide clinical services
23 shall be encrypted and shall conform to state and federal
24 privacy laws.

25 K. The provisions of this section shall not apply

1 to an individual or group health maintenance organization
2 contract intended to supplement major medical group-type
3 coverage, such as medicare supplement, long-term care,
4 disability income, specified disease, accident-only, hospital
5 indemnity or any other limited-benefit health insurance
6 policy.

7 L. As used in this section:

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

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

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

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

23 (5) "telemedicine" means the use of
24 telecommunications and information technology to provide
25 clinical health care from a distance. "Telemedicine" allows

1 health care professionals to evaluate, diagnose and treat
2 patients in remote locations using telecommunications and
3 information technology in real time or asynchronously,
4 including the use of interactive simultaneous audio and video
5 or store-and-forward technology, or remote patient monitoring
6 and telecommunications in order to deliver health care
7 services to a site where the patient is located, along with
8 the use of electronic media and health information.

9 "Telemedicine" allows patients in remote locations to access
10 medical expertise without travel."

11 SECTION 5. Section 59A-47-45.3 NMSA 1978 (being Laws
12 2013, Chapter 105, Section 5) is amended to read:

13 "59A-47-45.3. COVERAGE FOR TELEMEDICINE SERVICES.--

14 A. An individual or group health insurance policy,
15 health care plan or certificate of health insurance delivered
16 or issued for delivery in this state shall provide coverage
17 for services provided via telemedicine to the same extent the
18 health care plan covers the same services when those services
19 are provided via in-person consultation or contact. A health
20 care plan shall not impose any unique condition for coverage
21 of services provided via telemedicine.

22 B. A health care plan shall not impose an
23 originating-site restriction with respect to telemedicine
24 services or distinguish between telemedicine services
25 provided to patients in rural locations and those provided to

1 patients in urban locations; provided that the provisions of
2 this section shall not be construed to require coverage of an
3 otherwise noncovered benefit.

4 C. A determination by a nonprofit health plan that
5 health care services delivered through the use of
6 telemedicine are not covered under the plan shall be subject
7 to review and appeal pursuant to the Patient Protection Act.

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

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

16 F. A health care plan shall not limit coverage of
17 services delivered via telemedicine only to those health care
18 providers who are members of the health care plan provider
19 network where no in-network provider is available and
20 accessible, as availability and accessibility are defined in
21 network adequacy standards issued by the superintendent.

22 G. A health care plan may charge a deductible,
23 copayment or coinsurance for a health care service delivered
24 via telemedicine if it does not exceed the deductible,
25 copayment or coinsurance applicable to a service delivered

1 via in-person consultation or contact.

2 H. A health care plan shall not impose any annual
3 or lifetime dollar maximum on coverage for services delivered
4 via telemedicine, other than an annual or lifetime dollar
5 maximum that applies in the aggregate to all items and
6 services covered under the health care plan, or impose upon
7 any person receiving benefits pursuant to this section any
8 copayment, coinsurance or deductible amounts, or any plan
9 year, calendar year, lifetime or other durational benefit
10 limitation or maximum for benefits or services, that is not
11 equally imposed upon all terms and services covered under the
12 health care plan.

13 I. A health care plan shall reimburse for health
14 care services delivered via telemedicine on the same basis
15 and at least the same rate that the carrier reimburses for
16 comparable services delivered via in-person consultation or
17 contact.

18 J. Telemedicine used to provide clinical services
19 shall be encrypted and shall conform to state and federal
20 privacy laws.

21 K. The provisions of this section shall not apply
22 to an individual or group health care plan intended to
23 supplement major medical group-type coverage, such as
24 medicare supplement, long-term care, disability income,
25 specified disease, accident-only, hospital indemnity or any

1 other limited-benefit health insurance policy.

2 L. As used in this section:

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

6 (2) "health care provider" means a duly
7 licensed hospital or other licensed facility, physician or
8 other health care professional authorized to furnish health
9 care services within the scope of the professional's license;

10 (3) "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 (4) "originating site" means a place at
15 which a patient is physically located and receiving health
16 care services via telemedicine;

17 (5) "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 (6) "telemedicine" means the use of
23 telecommunications and information technology to provide
24 clinical health care from a distance. "Telemedicine" allows
25 health care professionals to evaluate, diagnose and treat

1 patients in remote locations using telecommunications and
2 information technology in real time or asynchronously,
3 including the use of interactive simultaneous audio and video
4 or store-and-forward technology, or remote patient monitoring
5 and telecommunications in order to deliver health care
6 services to a site where the patient is located, along with
7 the use of electronic media and health information.

8 "Telemedicine" allows patients in remote locations to access
9 medical expertise without travel."

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