



New Massachusetts Bills Propose Telehealth Insurance Coverage, Practice Standards

Prepared by:

Nathaniel M. Lacktman, Esq.

Chair, Telemedicine & Digital Health Industry Team

Foley & Lardner LLP

NLacktman@foley.com

www.foley.com/Nathaniel-M-Lacktman

LORMAN[®]

Published on www.lorman.com - August 2019

New Massachusetts Bills Propose Telehealth Insurance Coverage, Practice Standards. ©2019 Lorman Education Services. All Rights Reserved.

INTRODUCING

Lorman's New Approach to Continuing Education

ALL-ACCESS PASS

The All-Access Pass grants you **UNLIMITED** access to Lorman's ever-growing library of training resources:

- ☑ Unlimited Live Webinars - 120 live webinars added every month
- ☑ Unlimited OnDemand and MP3 Downloads - Over 1,500 courses available
- ☑ Videos - More than 1300 available
- ☑ Slide Decks - More than 2300 available
- ☑ White Papers
- ☑ Reports
- ☑ Articles
- ☑ ... and much more!

Join the thousands of other pass-holders that have already trusted us for their professional development by choosing the All-Access Pass.



Get Your All-Access Pass Today!

SAVE 20%

Learn more: www.lorman.com/pass/?s=special20

Use Discount Code Q7014393 and Priority Code 18536 to receive the 20% AAP discount.

*Discount cannot be combined with any other discounts.

New Massachusetts Bills Propose Telehealth Insurance Coverage, Practice Standards

20 March 2019 [Health Care Law Today](#) Blog
Authors: [Nathaniel M. Lacktman](#)

Momentum and support continues to build for [telehealth commercial coverage laws](#) across the United States, designed to ensure that covered members of health insurance plans can enjoy the full scope of their medical benefits – whether in-person or virtually. Last summer, the Massachusetts Legislature considered a sweeping telehealth bill that would have instituted certain requirements for insurance coverage. ([Read our critique of that bill here.](#)) Although the 2018 legislative session ended before the proposed legislation was approved, Massachusetts legislators recently filed five new telehealth bills for consideration.

Listed below are four of the proposed bills that directly compete with each other, so it will be important to monitor their progress through committees and reconciliation:

- HB 1002: An Act Expanding Access to Telemedicine Services;
- HB 1001: An Act Relative to Behavioral Health Telemedicine;

- HB 991: An Act Advancing and Expanding Access to Telemedicine Services; and
- HB 1095: An Act Enhancing Access to Telemedicine Services.

Each of the four bills require certain groups or divisions to provide coverage for telemedicine services under varying conditions. Just like the language contained in the 2018 legislation, these new bills state that insurers may *“not decline to provide coverage for health care services solely on the basis that those services were delivered by way of telemedicine by a contracted health care provider if: (i) the health care services are covered by way of in-person consultation or delivery; and (ii) the health care services may be appropriately provided through the use of telemedicine.”*

In general, the bills require the following insurers to provide coverage for telehealth services:

- The Massachusetts Group Insurance Commission;
- Medicaid-managed care organizations in Massachusetts;
- Individual, group blanket or general insurance policies;
- Hospital service plan;
- Medical service corporation;
- Health maintenance organizations; and

- Preferred provider arrangements.

HB 1095 is notable because it allows, but does not require, Medicaid managed care organizations in Massachusetts to cover services delivered via telemedicine. In contrast, HB 1001 (*An Act Relative to Behavioral Health Telemedicine*) requires insurers to cover only behavioral health services delivered via telemedicine.

Of the five new bills, HB 917 (*An Act to Facilitate the Provision of Telehealth Services*) is the distinct outlier. It would not require health insurance plans to cover telehealth services. Instead, it proposes definitions, practice standards, prescribing, and informed consent rules for telehealth services.

At this time, it is unclear which of the five bills will prevail (or perhaps a combination of them). What is clear is that Massachusetts legislators continue to explore ways for policy to drive innovation in health technology, balancing patient safety and health insurance considerations. We will continue to monitor Massachusetts for changes that affect or improve telemedicine opportunities in the state.

The material appearing in this website is for informational purposes only and is not legal advice. Transmission of this information is not intended to create, and receipt does not constitute, an attorney-client relationship. The information provided herein is intended only as general information which may or may not reflect the most current developments. Although these materials may be prepared by professionals, they should not be used as a substitute for professional services. If legal or other professional advice is required, the services of a professional should be sought.

The opinions or viewpoints expressed herein do not necessarily reflect those of Lorman Education Services. All materials and content were prepared by persons and/or entities other than Lorman Education Services, and said other persons and/or entities are solely responsible for their content.

Any links to other websites are not intended to be referrals or endorsements of these sites. The links provided are maintained by the respective organizations, and they are solely responsible for the content of their own sites.