

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1038

Introduced by

Legislative Management

(Health Care Reform Review Committee)

1 A BILL for an Act to create and enact section 54-52.1-04.13 of the North Dakota Century Code,
2 relating to public employees retirement system uniform group insurance coverage of
3 telemedicine; to require a report regarding coverage of telemedicine; and to provide an
4 expiration date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Section 54-52.1-04.13 of the North Dakota Century Code is created and
7 enacted as follows:

8 **54-52.1-04.13. Insurance reimbursement parity for telemedicine services.**

9 **1. As used in this section:**

- 10 **a. "Health care facility" means any office or institution at which health care services**
11 **or treatment of diseases are provided. The term includes hospitals; clinics;**
12 **ambulatory surgery centers; outpatient care facilities; nursing homes; nursing,**
13 **basic, long-term, or assisted living facilities; laboratories; and offices of any health**
14 **care provider.**
- 15 **b. "Health care provider" includes an individual licensed under chapter 43-05,**
16 **43-06, 43-12.1 as a registered nurse or as an advanced practice registered**
17 **nurse, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42, 43-44,**
18 **43-45, 43-47, 43-58, or 43-60.**
- 19 **c. "Policy" means a medical benefits coverage under a contract for insurance**
20 **pursuant to section 54-52.1-04 or under a self-insurance plan pursuant to section**
21 **54-52.1-04.2.**
- 22 **d. "Store-and-forward technology" means electronic information, imaging, and**
23 **communication that is transferred, recorded, or otherwise stored in order to be**
24 **reviewed at a distant site at a later date by a health care provider or health care**

1 facility without the patient present in real time. The term includes interactive
2 audio, video, and data communication.

3 e. "Telemedicine":

4 (1) Means the use of interactive audio, video, or other telecommunications
5 technology that is used by a health care provider or health care facility to
6 deliver health care services at a site other than the site at which the patient
7 is located; and that is delivered over a secure connection that complies with
8 the requirements of state and federal laws.

9 (2) Includes the use of electronic media for consultation relating to the health
10 care diagnosis or treatment of a patient in real time or through the use of
11 store-and-forward technology.

12 (3) Does not include the use of audio-only telephone, email, or facsimile
13 transmissions.

14 2. For all policies that become effective after June 30, 2015, and which do not extend
15 past June 30, 2017, the board shall provide medical benefits coverage under a policy
16 that provides coverage for health care services provided by a health care provider or
17 health care facility by means of telemedicine which are the same as the policy
18 coverage of in-person health care services provided by a health care provider or
19 health care facility.

20 3. Coverage of health care services provided by means of telemedicine under this
21 section must be equivalent to the coverage for health care services that are provided
22 in-person by a health care provider or health care facility. Coverage under this section
23 may be subject to deductible, coinsurance, and copayment provisions. Special
24 deductible, coinsurance, copayment, or other limitations that are not generally
25 applicable to other health care services covered under the policy may not be imposed
26 on the coverage for health care services provided by means of telemedicine.

27 4. This section does not require:

28 a. A policy to provide coverage for health care services that are not medically
29 necessary, subject to the terms and conditions of the insured's policy; or

30 b. A health care provider to be physically present with a patient at the site where the
31 patient is located unless the health care provider who is providing health care

1 services by means of telemedicine determines the presence of a health care
2 provider is necessary.

3 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF**

4 **TELEMEDICINE SERVICES.** Pursuant to section 54-03-28, the public employees retirement
5 system shall prepare and submit for introduction a bill to the sixty-fifth legislative assembly to
6 repeal the expiration date for section 1 of this Act and to extend the coverage of telemedicine
7 services to apply to all group and individual health insurance policies. The public employees
8 retirement system shall append to the bill a report regarding the effect of the telemedicine
9 coverage requirement on the system's health insurance programs, information on the utilization
10 and costs relating to the coverage, and a recommendation regarding whether the coverage
11 should continue.

12 **SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2017,
13 and after that date is ineffective.