

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~~ coverage of telemedicine services.**

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

10 **a. "Distant site" means a site at which a health care provider or health care facility is**  
11 **located while providing medical services by means of telemedicine.**

12 **b. "Health care facility" means any office or institution at which ~~health care~~ medical**  
13 **services ~~or treatment of diseases~~ are provided. The term includes hospitals;**  
14 **clinics; ambulatory surgery centers; outpatient care facilities; nursing homes;**  
15 **nursing, basic, long-term, or assisted living facilities; laboratories; and offices of**  
16 **any health care provider.**

17 **~~b-c.~~ "Health care provider" includes an individual licensed under chapter 43-05,**  
18 **43-06, 43-12.1 as a registered nurse or as an advanced practice registered**  
19 **nurse, ~~43-13~~, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42,**  
20 **43-44, 43-45, 43-47, 43-58, or 43-60.**

21 **~~c-d.~~ "Originating site" means a site at which a patient is located at the time medical**  
22 **services are provided to the patient by means of telemedicine.**

1 e. "Policy" means ~~a~~ medical benefits coverage under a contract for insurance  
2 pursuant to section 54-52.1-04 or under a self-insurance plan pursuant to section  
3 54-52.1-04.2.

4 d.f. "Store-and-forward technology" means electronic information, imaging, and  
5 communication that is transferred, recorded, or otherwise stored in order to be  
6 reviewed at a distant site at a later date by a health care provider or health care  
7 facility without the patient present in real time. The term includes telehome  
8 monitoring and interactive audio, video, and data communication.

9 e.g. "Telemedicine":

10 (1) Means the use of interactive audio, video, or other telecommunications  
11 technology that is used by a health care provider or health care facility at a  
12 distant site to deliver ~~health-care~~ medical services at ~~a site other than the an~~  
13 originating site ~~at which the patient is located~~; and that is delivered over a  
14 secure connection that complies with the requirements of state and federal  
15 laws.

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

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

21 2. For all policies that become effective after June 30, 2015, and which do not extend  
22 past June 30, 2017, the board shall provide medical benefits coverage under a policy  
23 that provides coverage for ~~health-care~~ medical services ~~provided by a health care-~~  
24 ~~provider or health care facility~~ delivered by means of telemedicine which ~~are~~ is the  
25 same as the ~~policy~~ coverage ~~of~~ for medical services delivered by in-person ~~health care-~~  
26 ~~services provided by a health care provider or health care facility~~ means.

27 3. Coverage of health care Payment or reimbursement of expenses for covered medical  
28 services ~~provided~~ delivered by means of telemedicine under this section ~~must~~ may be  
29 equivalent to the coverage for health care established through negotiations conducted  
30 by the board or the board's contractor with the medical services providers in the same  
31 manner as the board establishes payment or reimbursement of expenses for covered

medical services that are ~~provided~~ delivered by in-person ~~by a health care provider or health care facility means.~~

4. Coverage under this section may be subject to deductible, coinsurance, and copayment provisions. ~~Special deductible, coinsurance, copayment, or other limitations that are not generally applicable to other health care services covered under the policy may not be imposed on the coverage for health care services provided by means of telemedicine.~~

4.5. This section does not require:

- a. A policy to provide coverage for ~~health care~~ medical services that are not medically necessary, subject to the terms and conditions of the ~~insured's~~ policy;
- or
- b. A policy to provide coverage for medical services delivered by means of telemedicine if the policy would not provide coverage for the medical services if delivered by in-person means;
- c. A policy to reimburse a health care provider or health care facility for expenses for medical services delivered by means of telemedicine if the policy would not reimburse that health care provider or health care facility if the medical services had been delivered by in-person means; or
- d. A health care provider to be physically present with a patient at the ~~originating site where the patient is located~~ unless the health care provider who is ~~providing health care~~ delivering medical services by means of telemedicine determines the presence of a health care provider is necessary.

**SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF  
TELEMEDICINE SERVICES.** Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-fifth legislative assembly to repeal the expiration date for section 1 of this Act and to extend the coverage of telemedicine services to apply to all group and individual health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the telemedicine coverage requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage, and a recommendation regarding whether the coverage should continue.

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