

Introduced by

1 A BILL for an Act to create and enact sections 26.1-36-09.14 and 54-52.1-04.13 of the North
2 Dakota Century Code, relating to health insurance and public employees retirement system
3 uniform group insurance coverage of telemedicine.

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

5 **SECTION 1.** Section 26.1-36-09.14 of the North Dakota Century Code is created and
6 enacted as follows:

7 **26.1-36-09.14. Telemedicine reimbursement parity - Definitions.**

8 1. As used in this section:

- 9 a. "Health care facility" means any office or institution at which health care services
10 or treatment of diseases are provided. The term includes hospitals; clinics;
11 ambulatory surgery centers; outpatient care facilities; nursing homes; nursing,
12 basic, long-term, or assisted living facilities; laboratories; and offices of any health
13 care provider.
- 14 b. "Health care provider" includes an individual licensed under chapter 43-05,
15 43-06, 43-12.1 as a registered nurse or as an advanced practice registered
16 nurse, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42, 43-44,
17 43-45, 43-47, 43-58, or 43-60.
- 18 c. "Policy" means a major medical expense policy, contract, or evidence of
19 coverage on a group, individual, blanket, franchise, or association basis.
- 20 d. "Store-and-forward technology" means electronic information, imaging, and
21 communication that is transferred, recorded, or otherwise stored in order to be
22 reviewed at a distant site at a later date by a health care provider or health care
23 facility without the patient present in real time. The term includes interactive
24 audio, video, and data communication.

- 1 e. "Telemedicine":
- 2 (1) Means the use of interactive audio, video, or other telecommunications
- 3 technology that is used by a health care provider or health care facility to
- 4 deliver health care services at a site other than the site at which the patient
- 5 is located; and that is delivered over a secure connection that complies with
- 6 the requirements of state and federal laws.
- 7 (2) Includes the use of electronic media for consultation relating to the health
- 8 care diagnosis or treatment of a patient in real time or through the use of
- 9 store-and-forward technology.
- 10 (3) Does not include the use of audio-only telephone, email, or facsimile
- 11 transmissions.
- 12 2. An insurance company, nonprofit health service corporation, or health maintenance
- 13 organization may not deliver, issue, execute, or renew a policy unless the policy
- 14 provides coverage for health care services provided by a health care provider or
- 15 health care facility by means of telemedicine which are the same as the policy
- 16 coverage of in-person health care services provided by a health care provider or
- 17 health care facility.
- 18 3. Coverage of health care services provided by means of telemedicine under this
- 19 section must be equivalent to the coverage for health care services that are provided
- 20 in-person by a health care provider or health care facility. Coverage under this section
- 21 may be subject to deductible, coinsurance, and copayment provisions. Special
- 22 deductible, coinsurance, copayment, or other limitations that are not generally
- 23 applicable to other health care services covered under the policy may not be imposed
- 24 on the coverage for health care services provided by means of telemedicine.
- 25 4. This section may not be construed to require:
- 26 a. A policy to provide coverage for health care services that are not medically
- 27 necessary, subject to the terms and conditions of the insured's policy; or
- 28 b. A health care provider to be physically present with a patient at the site where the
- 29 patient is located unless the health care provider who is providing health care
- 30 services by means of telemedicine determines the presence of a health care
- 31 provider is necessary.

1 **SECTION 2.** Section 54-52.1-04.13 of the North Dakota Century Code is created and
2 enacted as follows:

3 **54-52.1-04.13. Insurance reimbursement parity for telemedicine services.**

4 The board shall provide medical benefits coverage under a contract for insurance pursuant
5 to section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 which
6 provides reimbursement parity for telemedicine services in the same manner as provided under
7 section 26.1-36-09.4.